HISTORY OF THE ENGLISH PARLIAMENT

G · BARNETT · SMITH

034
M. F. Adams

OUT OF PRINT US/UK

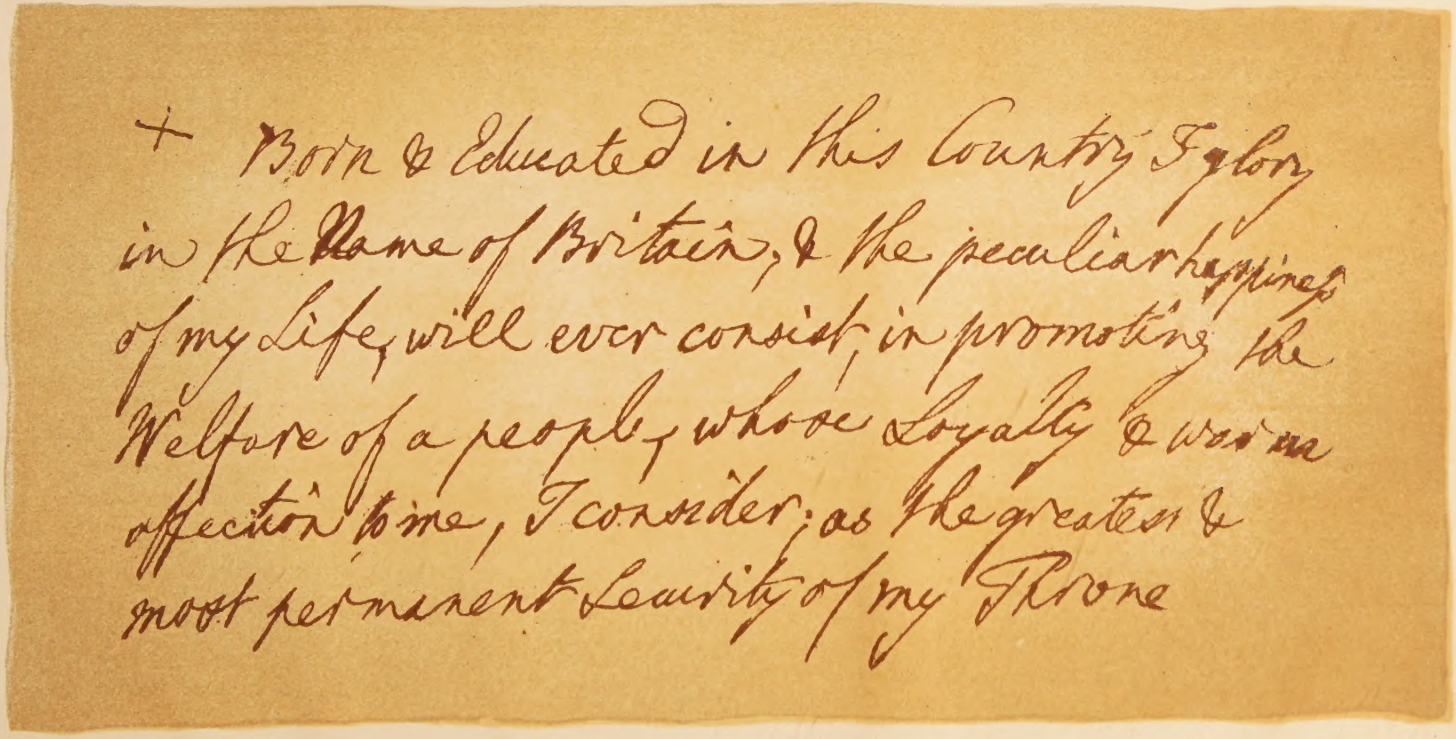
2 vol set
this volume > pages
1-14
loose
also spine cracking
(see pgs 80-81)

2 vol set
as is 8.00

Digitized by the Internet Archive
in 2026

https://archive.org/details/bwb_Y0-CJI-693_2

PORTION OF GEORGE III.'s SPEECH, MADE ON OPENING HIS FIRST PARLIAMENT, IN HIS OWN HANDWRITING.


+ Born & Educated in this Country, I glory
in the Name of Britain, & the peculiar happiness
of my Life, will ever consist, in promoting the
Welfare of a people, whose Loyalty & warm
affection to me, I consider, as the greatest &
most permanent Security of my Throne

HISTORY

OF THE

ENGLISH PARLIAMENT

TOGETHER WITH

AN ACCOUNT

OF THE

Parliaments of Scotland and Ireland

BY

G. BARNETT SMITH

VOLUME II.

FROM THE REVOLUTION TO THE REFORM ACTS OF 1884-85

WARD, LOCK, BOWDEN & CO.
LONDON: WARWICK HOUSE, SALISBURY SQUARE, E.C.
NEW YORK: BOND STREET
MELBOURNE: ST. JAMES'S STREET. SYDNEY: YORK STREET
1892

[*All rights reserved*]

CONTENTS OF VOL. II.

BOOK IX.

THE REVOLUTION.

CHAP.		PAGE
I.	James II.'s Parliament	3
II.	The Convention	17
III.	Parliaments of William III.	36

BOOK X.

THE PARLIAMENT OF SCOTLAND.

I.	Its Early History to A.D. 1560	97
II.	From the Reformation to the Union	129

BOOK XI.

THE CONSTITUTION IN THE EIGHTEENTH CENTURY.

I.	The Reign of Queen Anne	199
II.	George I. and George II.	227
III.	The Reign of George III.	282

BOOK XII.

THE IRISH PARLIAMENT FROM ITS ORIGIN TO THE UNION.

I.	The Irish Parliament to 1782	373
II.	From the Declaration of Independence to the Union	413

BOOK XIII.

PARLIAMENT IN THE NINETEENTH CENTURY.

CHAP.		PAGE
I.	The Reign of George IV.	425
II.	William IV. and Parliamentary Reform	448
III.	Legislation under Queen Victoria	467
	I. Repeal of the Corn Laws	469
	II. Colonial and Indian Legislation	474
	III. Legislation for the Working Classes	480
	IV. Education	487
	V. Finance	494
	VI. Irish Legislation	501
	VII. Foreign Policy	516
	VIII. General Legislation	524
	IX. Parliamentary Reform	537
	Constitutional Addenda	549
I.	The Great Charter, A.D. 1215	551
II.	The Petition of Right, 1628	557
III.	Habeas Corpus Act, 1679	559
IV.	The Bill of Rights, 1689	561
V.	Lord Chancellors of England	565
VI.	Speakers of the House of Commons	566
VII.	Prime Ministers	568
VIII.	Chancellors of the Exchequer	568
IX.	Parliaments of England and of the United Kingdom	569
X.	Principal Acts, Ordinances, etc., since the Conquest	572
XI.	Ministries of Queen Victoria	576
XII.	Constituencies of the United Kingdom	581
XIII.	Elections to Parliament	584
XIV.	The Sovereign, the Ministry, the Cabinet, and the Privy Council	587
XV.	Parliamentary Privilege, Order, Procedure, etc.	591
XVI.	The Statutes	600
XVII.	Parliamentary Reporting	601
	Index	607

LIST OF SUPPLEMENTS

TO VOL. II.

Facsimile of Portion of George III.'s Speech, made on Opening his First Parliament, in his own Handwriting (*see* p. 283) . *Frontispiece*

Facsimile of Signatures and Seals to the Articles of Union with Scotland, 1706 . . . . . *To face page* 177

Facsimile of Letter from John Wilkes, written in 1764, about his Conduct in Parliament . . . . . „ „ 290

BOOK IX.

THE REVOLUTION.

CHAPTER I.

JAMES II.'S PARLIAMENT.

Policy of James II.

Immediately upon the death of Charles II., the Duke of York was proclaimed king, under the title of James II. Like all the Stuarts, he began with the fairest promises, and, like them also, he failed to redeem them. In addition to this sovereign's reliance upon France, which was repugnant to Englishmen, his views upon constitutional questions were bound sooner or later to lead to a collision. But when to James's arbitrary ideas of government was added an open profession of the Catholic religion, a conflict between the sovereign and the people became of course inevitable.

His speech in Council.

The King's first speech in council was extraordinarily pacific. "I know," he said, "that the laws of England are sufficient to make the King as great a monarch as I can wish; and as I shall never depart from the just right and prerogative of the Crown, so I shall never invade any man's property. I have often heretofore ventured my life in defence of the nation, and I shall still go as far as any man in preserving it in all its just rights and liberties." Yet immediately upon this he informed the world that his late brother had died a Roman Catholic, while he himself attended a public celebration of the mass at Westminster, to which he went in state. He found his counsellors in men like Jeffreys, now Chief

CHAP. I.

James II.'s Parliament.

Justice of the King's Bench, and he sent Churchill over to Versailles to cement the obnoxious French alliance. As an indication of his religious policy, the eminent Puritan Richard Baxter was prosecuted and sentenced to eighteen months' imprisonment, and only one party of Dissenters escaped his vengeance. This was the sect known as Quakers, or Friends, whose most prominent representative, William Penn, had acquired a powerful influence over James.

He opens Parliament.

Although the King, when Duke of York, had been opposed to the summoning of a Parliament, he now found himself obliged to call one together for the settlement of the Crown revenues, which he had already collected without Parliamentary sanction. When such a settlement had been effected, he argued that he could in future do with or without Parliaments as he pleased. Even if Parliament failed to do what was required of it, James had extracted a promise from Louis XIV. to support his authority and establish their common religion. The King required from Parliament a grant of the whole income which his predecessor had received, and the electors were warned beforehand of the hopelessness of resistance to his demands. What was practically a Royalist House of Commons was elected, and on May 19th, 1685, the first and only Parliament held in the reign of James II. assembled at Westminster. In his speech from the throne, the King reiterated what he had said before the Privy Council, promising to maintain the government in Church and State as then established by law. "Having given you this assurance concerning the care I will have of your religion and property," said James, "I cannot think that I shall fail of suitable returns from you, and particularly to what relates to the settling of *my* revenue." This emphatic use of the personal pronoun was very significant. He then proceeded to shatter the constitutional rights of Parliament in the following manner: "There is one popular argument which I foresee may be used against what I ask of you, from the inclination men have for frequent Parliaments, which some may

think would be the best security by feeding me from time to time by such proportions as they shall think convenient; and this argument, it being the first time I speak to you from the throne, I will answer once for all: that this would be a very improper method to take with me, and that the best way to engage me to meet you often is always to use me well."

Settlement of the Crown revenues.

Here was the old threat, covertly expressed, to do without Parliaments, if they were found intractable. But for the present the House acquiesced. The revenues which Charles II. had possessed for life, and which were now reckoned at about £1,400,000, were granted to his successor for the same period, and the tax upon wines was voted for eight years. The Upper House was likewise yielding, and repealed the resolution passed some years before providing that proceedings begun on an impeachment by the Lower House were not to be annulled by a dissolution. Under this new enactment Lord Danby and the imprisoned Catholic lords were released. The Lower House promised to stand by and assist with their lives and fortunes his Majesty against the Earl of Argyle and all other rebels and traitors. There was practically no opposition to the grant of revenue, and the only speech to disturb the general harmony was one made by Edward Seymour, who, though a Tory, and hitherto no friend to popular government, stood forth singly to condemn the abrogation of the charters of towns and the arbitrary proceedings which had in consequence resulted at the elections. Seymour made himself the mouthpiece of constitutionalism, foreseeing grave dangers to the State if a system of arbitrary government were to acquire the ascendency, of which he declared there were manifest signs. He had, no doubt, secret sympathisers, but he found none to support his views in the House.

A Tory reformer.

The religious question and the Dissenters.

Shortly afterwards a committee for religion which had been appointed recommended an address to the King "to publish his royal proclamation for putting the laws in execution against all dissenters whatsoever from the

CHAP. I.

James II.'s Parliament.

Church of England." This brought the religious question to an issue, for James could not well invoke the cruel disabling statutes against those of his own faith. Strenuous efforts were accordingly made to defeat the proposal, the King threatening with his personal displeasure all who should vote for it. Ultimately the previous question was adopted, and a resolution was substituted to the effect "That this House doth acquiesce, entirely rely, and rest wholly satisfied in his Majesty's gracious word and repeated declaration to support and defend the religion of the Church of England as it is now by law established, which is dearer to us than our lives."

Argyle and Monmouth.

Parliament adjourned on July 2nd until August 4th, and from the latter date until November 9th. Meantime the country was agitated by the Argyle and Monmouth invasions. The Earl of Argyle appeared in Scotland, but his rising was easily suppressed, and its instigator was executed at Edinburgh. Monmouth's rebellion in the west of England was equally unsuccessful. The Duke was defeated at Sedgmoor, the last battle fought on English soil. Monmouth was captured, taken to London, and beheaded. The Bloody Assizes, which have made the names of Jeffreys and Kirke infamous in history, followed; and for his share in these and other transactions Jeffreys was made Lord High Chancellor of England.

Roman Catholic commissions.

The King resolved to make himself independent of Parliament, and to establish a standing army. There were two great statutes of the realm, however, which were peculiarly hateful to him: the Habeas Corpus Act and the Test Act. Overriding the provisions of the latter, he gave commissions to Roman Catholic officers in the newly levied regiments. Ministers warned him that these measures would provoke discontent, but he replied that he did not expect opposition from *them*, and that he intended to retain the Catholic officers in his service. Halifax, Lord President of the Council, would not support the King's policy, and was consequently dismissed from office; and James declared that he would give his confidence to no one who did not completely agree with

him in feelings and principles. But the reactionary rate at which the monarch was proceeding soon had its effect upon Parliament.

The King and the Army

The Houses met on November 9th, and in opening the session the King set forth his methods of government without circumlocution. Alluding to the late rebellion, and to the length of time it had been carried on without opposition, he said, "I hope everybody will be convinced that the militia, which hath hitherto been so much depended on, is not sufficient for such occasions; and that there is nothing but a good force of well-disciplined troops, in constant pay, that can defend us from such as, either at home or abroad, are disposed to disturb us." Some offence had been taken in Parliamentary circles at the increase of the army and the granting of Catholic commissions, but these were declared necessary, as well as a double grant of money, to support the augmented army. "Let no man take exception," he proceeded, "that there are some officers in the army not qualified, according to the late tests, for their employments: the gentlemen, I must tell you, are mostly well known to me; and having formerly served with me on several occasions and always approved the loyalty of their principles by their practice, I think them now fit to be employed under me: and I will deal plainly with you, that, after having had the benefit of their service in such a time of need and danger, I will neither expose them to disgrace, nor myself to the want of them, if there should be another rebellion to make them necessary to me."

James's mistake policy.

James thus put into the forefront the two most unacceptable points he could have selected—a standing army and the violation of the Test Act; while he was reticent upon the subject of the laws and the Protestant religion, in regard to which he had been expected to make a definite declaration. This caused much dissatisfaction, and in the Commons there was already a party springing up, composed of zealous Tories and a number of Whigs, who strongly resented the King's support of Popery.

CHAP. I.

James II.'s Parliament.

The Earl of Middleton, Secretary of State and a member of the House of Commons, proposed that the Lower House should immediately return thanks for his Majesty's speech, but this was rejected, and a day appointed for discussing the address. Instead of first passing the article on subsidies, as agreed upon, the House plunged into a debate on the King's statement concerning the relations of the militia to the standing army. There was a general feeling that something must be done to improve the militia, but it was also admitted that a strong standing army was necessary, though Edward Seymour said, "Supporting an army is maintaining so many idle persons to lord it over the rest of the subjects." The discussion was very animated, but the Court party carried the grant of a supply. At the same time, however, the House came to a resolution to represent to the King that the true force of the kingdom consisted in the militia, and that it would take every possible means to render this force efficient. This was a plain indication that the Commons would not allow of a regular standing army. Many of the members, including Seymour and Clarges, spoke with great vehemence against the army and the Catholic officers, and asserted that the King's speech was a contradiction of what he had said in the preceding session, since now he openly declared himself against the established laws, which were the safeguard of the Protestant religion.[1]

The Militia and a Standing Army.

The Catholic officers.

The discussion altogether was so obnoxious to James, that rumours were already afloat of the speedy prorogation or dissolution of Parliament. But it was necessary that the grant should acquire the force of law, while the Commons were resolved to have an understanding touching the Catholic officers. The question was therefore debated in grand committee on November 14th. The majority were of opinion that the arbitrary disregard of the test oaths could not pass unnoticed. One speaker said that the creation of a Popish force had already

[1] Despatches of Barillon, the French ambassador.

begun; Clarges urged that Catholic officers might at some future time be tempted to resist the Protestant succession; and Serjeant Maynard, recalling the case when Henry IV. yielded to Parliament with regard to his confessor, said that no doubt King James, who surpassed Henry in all respects, would grant the request, which should be delivered to him in a respectful remonstrance: he would not break with his Parliament for the sake of twenty or thirty officers whose services could be discharged equally well by others. The House adopted certain resolutions, in which occurred this strong request with regard to the Catholic officers: "That his Majesty would be pleased not to continue them in their employments." This language being subsequently viewed as too abrupt, the following words were substituted in lieu thereof: "That his Majesty would be graciously pleased to give such directions that no apprehensions or jealousies may remain in the hearts of his Majesty's good and faithful subjects." So the motion for an address was carried, and a bill of indemnification was ordered to be prepared for unqualified persons.

The Commons' Address to the King.

Mr. Solicitor Finch brought up the address on the 16th. It contained nothing about the standing army and the militia, but it reminded the King of the statutes by which Catholics were rendered incapable of serving in the English army, which incapacity could only be removed by act of Parliament. "Therefore we are preparing a bill to pass both Houses for your royal assent to indemnify them from the penalties they have now incurred; and because the continuing of them in their employment may be taken to be a dispensing of that law without act of Parliament (the consequence of which is of the greatest concern to the rights of all your Majesty's subjects and to all the laws made for security of their religion), we therefore do most humbly beseech your Majesty that you would be graciously pleased to give such directions therein that no apprehensions or jealousies may remain in the hearts of your Majesty's good and faithful subjects." A motion for obtaining the concurrence of the

CHAP. I. James II.'s Parliament.

Lords and making the address a joint one from both Houses was lost by a considerable majority. The Commons presented their address to James on the 17th at Whitehall. When the Speaker had read it, the King expressed surprise at their distrust of him; but however they might proceed on their part, he would be steady in all his promises to them—a declaration which was very favourably received on the whole, though some were dissatisfied with the sovereign's demeanour.

A Member committed.

On the following day, when the royal answer was read in the Commons, it was proposed to discuss the speech again. Mr. Wharton having moved a day for the consideration of the address, he was seconded by Mr. Coke, who suddenly threw the House into a ferment by remarking, "I hope we are all Englishmen, and are not to be frighted out of our duty by a few high words." Exception was taken to this utterance, and in the midst of a violent scene Coke endeavoured to excuse himself. He was ordered to withdraw, and there were cries from Lord Preston and others of "Send him to the Tower!" He was committed accordingly, "for his indecent and undutiful reflecting on the King and this House."

Remarkable speech by Bishop Compton.

The discussion was resumed on the King's answer, and the general feeling was that the House would do well to accept it. But the interest in the question suddenly became centred in another place. The Lords now proposed to take the King's speech into consideration, although they had already returned thanks to his Majesty for it. The danger from the King's attitude became so apparent that even the bishops were compelled to intervene The proposal to reopen the question was strongly recommended by Lord Halifax, and also by Lord Devonshire, a follower of the philosopher Hobbes. Surprise was expressed that a number of officers had accepted posts in unquestionable contradiction of the laws of England, even though they were sheltered by powerful support. Henry Compton, of London, the most militant of the bishops, delivered an uncompromising speech, which created a profound sensation. Looking at the question from a

Protestant and an ecclesiastical point of view, he saw in the appointment of the Catholic officers a way opened for a general transformation. "If it were acquiesced in, all the higher posts would very soon be filled with Catholics, and the whole administration would assume a Catholic character," which was exactly James's object. "The case resembled that of the dykes which protected the land in Holland; if they were broken through in one point a general inundation followed. English Protestantism appeared to him a district embanked by the laws, and the power of universal Catholicism the great flood which it alone kept back." Point was lent to these observations from the fact that France and Austria were strenuously supporting the most advanced claims of the Papacy, while French Protestant exiles were to be found in large numbers in the streets of London. Compton spoke with the sympathy of most of his episcopal brethren, and his speech was, from the historical point of view, "one of the most remarkable ever made in Parliament; it set forth in full distinctness the breach between the episcopal system and the Crown, which had previously been allied together."[1]

The Lords and the King.

The Court party were alarmed at the turn of events, and endeavoured to ward off the attack by urging that the peers were now precluded from finding fault with the King's speech. But this plea was rejected with indignation, and a day was named (November 23rd) for taking the speech into consideration. The King had been present at the debate, and he gathered from its menacing tone, as well as its unanswerable arguments, that the Lords would vote such an address as must embarrass him and call for the abandonment of his evasive attitude. The Lords likewise now contemplated appealing to the judges for a legal deliverance upon the unconstitutional acts of the King. But, with all this, the peers did not desire an open breach; they only wished for a clear understanding with regard to the Catholic

[1] Ranke's *History of England.*

CHAP. I.

James II.'s Parliament.

officers, and were ready to grant by act of Parliament a dispensation to those officers whom the King was reluctant to dismiss.

Parliament suddenly prorogued.

But this did not suit James, who thought far more of his personal prerogative than of legality. Finding therefore that he could carry nothing in either House unless he departed from his speech, and allowed the operation of the Test Act, he resolved to prorogue Parliament before the Lords resumed their debate. Consequently, he appeared unexpectedly in the House of Lords on November 20th, 1685, and the Commons having been summoned, Lord Chancellor Jeffreys announced that his Majesty was pleased, "for many weighty reasons," to prorogue Parliament to February 10th, and it was prorogued accordingly. The King's main object in this was to save his dispensing power, a right which would have been denied him by the Houses and the judges. To maintain that right and his Catholic policy he was content to forego the grant of supplies. Although the prorogation was a normal act, it increased the discontent of those who knew what was operating in the King's mind, and undoubtedly put a fresh complexion on the affairs of England.

It is finally dissolved.

James discovered that it was not an easy task to put forward unconstitutional claims, and then expect Parliament to sanction them. His determination to push the Catholic religion to the uttermost was the great stumbling-block to a good understanding, and it alienated those Tory and Protestant supporters who originally aided in his accession in the belief that he would not assume an aggressive attitude. Having staved off the evil day for himself by one prorogation, he was obliged to continue upon the same lines, and Parliament was prorogued no fewer than six times. It was at length ordered to assemble on November 22nd, 1687, but before that day arrived it was dissolved by proclamation.

James's Declaration of Indulgence.

Meanwhile James began to govern without the aid of Parliament, as his father had done, and with like disastrous results, his tyrannical action precipitating the

Revolution. He took for his counsellors men like Tyrconnell and Castlemaine, and Father Petre, the Jesuit. By the exercise of the dispensing power, he placed Roman Catholics in office in defiance of the law; and he further endeavoured to strengthen the Catholic position by the formation of a High Commission Court, with Jeffreys as President. On April 4th, 1687, James issued his first Declaration of Indulgence, a distinctly illegal act; but he hoped by this document, which swept away all the penal laws and tests, to unite the Catholics and the Puritans against the Anglican Church. Some Nonconformists, including the distinguished Quaker William Penn, accepted the Indulgence joyfully, but Baxter, Bunyan, Howe, and their sympathisers looked askance at it. Hopes were indulged of a Nonconformist Parliament, and preparations were made for securing it; but all possibility of a reconciliation was soon at an end. Tyranny proceeded apace both in Church and State, and Protestant feeling was exasperated by the introduction of a Jesuit to the Council board, by an imposing reception given to the Pope's Nuncio, and by the sending of an ambassador to Rome. Attacks were next made upon the Universities, Romanism being forced upon Oxford and Cambridge through the action of the High Commission Court.

His second Declaration.

On April 27th, 1688, the King published a second Declaration of Indulgence; but as it remained comparatively neglected, it was supplemented on May 4th by an order in Council which directed all ministers to read the Declaration from their pulpits on certain specified Sundays. The days fixed for London were May 20th and 27th, but the London clergy almost unanimously pledged themselves not to read the Declaration.

Trial of the Seven Bishops.

At an assembly held at Lambeth Palace on May 18th, a petition was written out by Sancroft, Archbishop of Canterbury, whose tenor was that the sovereign had no right to dispense with the laws in matters affecting the Church. The petition was signed by Sancroft and six bishops: Ken of Bath and Wells, Lake of Chichester,

CHAP. I. James II.'s Parliament.

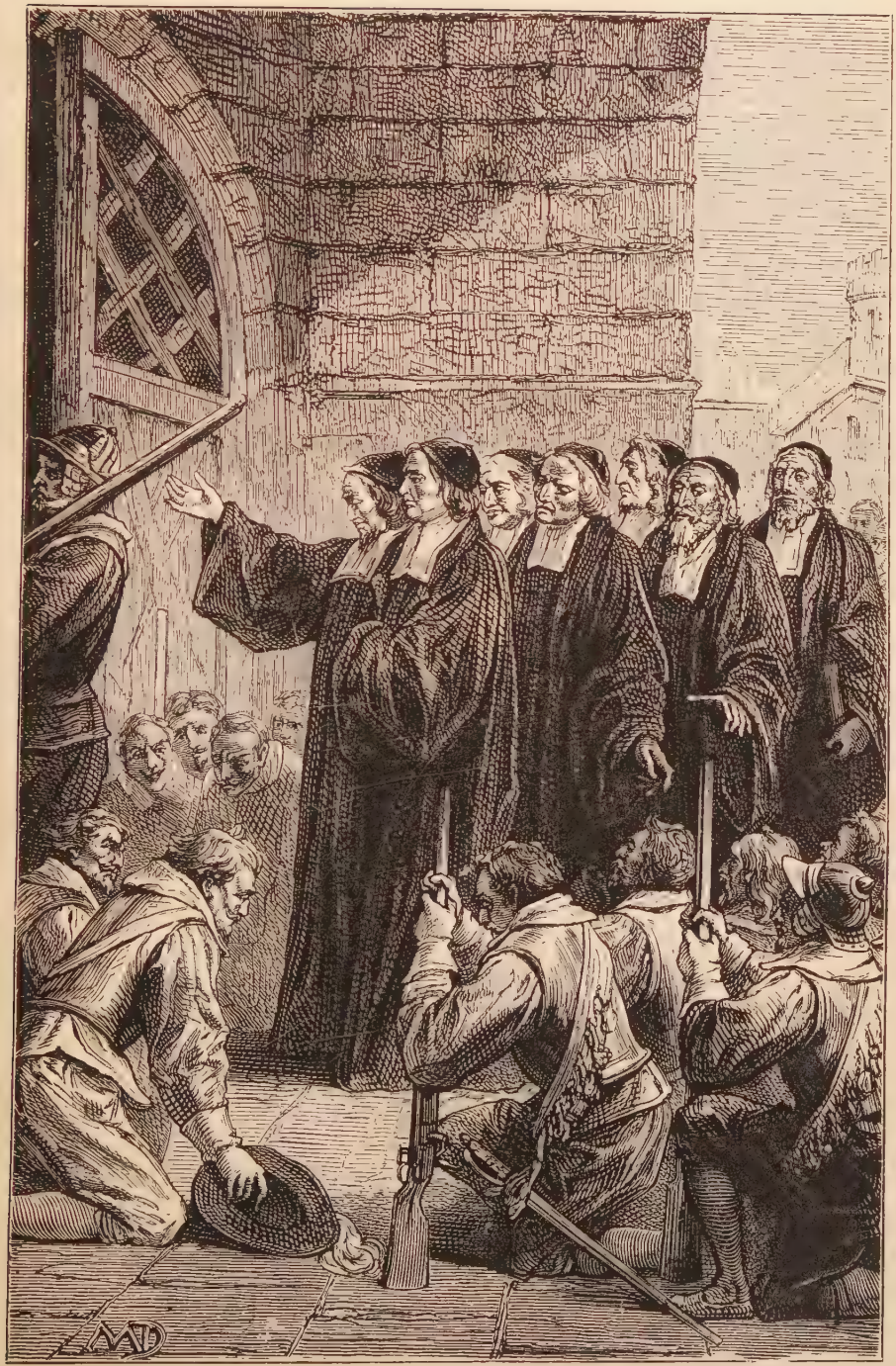
Turner of Ely, Lloyd of St. Asaph, Trelawney of Bristol, and White of Peterborough. The bishops went to present it to the King, who was furious when he read it, and dismissed the prelates from his presence. It is remarkable that the bishops were strong Tories and High Churchmen. The petition was surreptitiously printed and sold by thousands, and the bishops were arrested and sent to the Tower on a charge of libel. During their incarceration a son was born to James, but the populace discredited the birth of an heir to the crown. The trial of the Seven Bishops in the Court of King's Bench (June 29th-30th) threw the country into a ferment. Great pressure was put upon the jury by the Government, so that the King and the Court party suffered a rude shock when a verdict of Not Guilty was announced, while the people hailed the decision with enthusiasm.

Invitation to the Prince of Orange.

The monarch and the nation were now hopelessly estranged from each other, and all eyes were turned towards the Prince of Orange. This Protestant prince was closely allied to England by his marriage with the King's daughter Mary. On the same day upon which the bishops were acquitted (June 30th), an invitation, signed by seven leading Englishmen, was despatched to William at the Hague. The signatories were Henry, brother of Algernon Sidney; Edward, cousin of Lord William Russell; Shrewsbury and Lumley, two newly converted but ardent Protestant peers; Compton, Bishop of London, one of the prime movers in the invitation; Devonshire, a trusted and celebrated Whig; and Danby, one of the founders of the Tory party and of the union between Charles II.'s government and the aristocracy and Episcopalianism. All ranks and classes of English Protestantism were thus represented in this historical document.

The King temporises.

From the close of June until the beginning of October James and his Government pursued an irresolute policy. The King yielded on many points, and writs were even issued for a new Parliament, but these were withdrawn. In a final interview with his Majesty on October 3rd, the bishops formulated their most pressing demands,



THE SEVEN BISHOPS TAKEN TO THE TOWER.

which included the issue of new writs for a free and regular Parliament, the abolition of the Ecclesiastical Commission, the immediate filling up of the vacant episcopal sees, the removal of vicars apostolic and of Roman Catholic schoolmasters, and the restoration of the Protestant fellows at Magdalen College, Oxford. The King proceeded at once to abolish the Ecclesiastical Commission and to restore to the city of London its confiscated charters. A commission was issued to organise Magdalen College in accordance with its original Protestant statutes. But James was afraid to call a Parliament which was sure to be Episcopalian, and which might favour the designs of the Prince of Orange.

Declaration of William of Orange.

While the King's neglect to summon Parliament rendered the situation critical, William of Orange was pushing forward his preparations, and on October 10th he issued a declaration, setting forth the wrongs and misgovernment from which the people of England were suffering, and demanding a Parliament for the settlement of the religious difficulties and the removal of grievances. The Prince declared his intention of establishing the Protestant religion and freedom so securely that there should never again be any ground for fearing a restoration of arbitrary government. As James made certain concessions in order to render William's declaration ineffectual, the latter issued a postscript, or second declaration, in which he denied the value of concessions that left untouched the claim to despotic power, and he held that there could be no redress or remedy except that offered by a free assembly of the nation in a lawful Parliament.

Landing of the Prince.

William landed with his forces at Torbay on November 5th, and although the nation he had come to deliver was at first apathetic, the most influential men in England eventually joined his banner. There was little fighting, but various attempts at diplomacy ; and it was not until December 18th that William arrived at St. James's Palace. On that day, after a previous abortive flight, James went down in a barge to Rochester, and from thence escaped to France.

CHAP. I.

James II.'s Parliament.

With this constructive abdication the infatuated monarch practically passed out of English history, though he made subsequent efforts to recover his throne. Never was a revolution more completely justified or more peacefully accomplished than that which drove James II. from his throne.

James's flight.

His character.

A sovereign more utterly out of harmony with English aspirations and sympathies than the second James could not possibly be conceived. As the arbitrary ruler of some European state which was the slave of the Vatican he would have been in his natural place; but as the head of a people devoted to the Protestant religion, and bent upon the preservation of the liberties won by the blood of their fathers, he was an anomaly to the last degree. His inveterate misgovernment rendered the Revolution necessary; and while the deposing of kings is not a matter to be lightly undertaken, it cannot be denied that in his case the step was unavoidable, or that the vast majority of the nation were completely alienated from their sovereign head. The fall of this monarch led to the confirmation and extension of the national liberties, and also to such a settlement of the popular bulwarks against tyranny that they can nevermore be uprooted or overthrown.

Misgovernment.

CHAPTER II.

THE CONVENTION.

Declaration of the Lords.

After the first flight of James, about thirty of the Lords spiritual and temporal then in London met at the Guildhall (December 11th), and drew up a declaration to the effect that they would use their utmost endeavours, in conjunction with William of Orange, to obtain a free Parliament with all speed. This assembly was to secure the laws, liberties, and properties of the people, and in particular to preserve the interests of the Church of England with a due liberty to Protestant Dissenters. This was the last public document signed by Archbishop Sancroft. No power was given to the Prince, and the chief initial object of the Lords seems to have been to restore the violated Constitution.

Signing the Association.

But an address from the city of London followed, imploring William to repair to London; and some such step was necessary, for a disorderly night which ensued in the metropolis showed what dangers threatened the public safety. On December 21st the Lords, to the number of above sixty, appeared at St. James's, and assisted the Prince in a great council. It was proposed that the whole assembly should sign the Association formerly subscribed by the nobility and gentry at Exeter, and all agreed except the Duke of Somerset, the Earls

CHAP. II. The Convention.

of Pembroke and Nottingham, Lord Wharton, and the bishops. The prelates were better satisfied when the word "punishment" was substituted for that of "revenge," the original word in the Association.

William offered the government.

On the 23rd the peers, to the number of about ninety, met at Westminster, and desired the Prince to take upon himself the administration of public affairs until the meeting of the proposed Convention on January 22nd. They also requested him to issue writs for the elections. William was in some difficulty respecting the Commons; but passing over the Parliament of James II., he requested all such persons as had seats in the Parliaments of Charles II. to meet him at St. James's on the 26th; and he also invited the Lord Mayor and aldermen, with fifty of the Common Council. On the day appointed some hundred and sixty former members of Parliament, with the other persons specified (except the Lord Mayor, who was ill), assembled at St. James's, and, after being addressed by William, repaired to Westminster, where they formed themselves into a House, with Henry Powle, the Speaker in the "Exclusion Parliament" of 1681, as chairman. A committee, which included the names of Maynard, Hampden, and Capel, was appointed to draw up an address. There was some discussion as to the proper legal course to take, though all were agreed that the Prince's declaration must be substantially carried out. Some objected to sign the form of association laid upon the table, on the ground that the act might be construed as conspiracy; and it was finally agreed that every one should be at liberty to sign it or not. All present then agreed with the Lords in requesting the Prince of Orange to take upon himself the administration of public affairs, both civil and military, and the disposal of the public revenues. They also besought him to take into particular consideration the condition of Ireland, and to prevent by speedy and effectual means the dangers threatening that kingdom. Finally, they desired him to issue the letters required for the election of a Convention.

The Prince accepted on December 18th the trust offered him, and made special reference to the disorders in Ireland, which more than ever rendered a settled government necessary. Considering the difficulties in which English statesmen were placed, this step of entrusting the actual government to William, while as yet destitute of Parliamentary and legal sanction, was undoubtedly the wisest, as it was the only safe course to adopt. It was better to call a Convention and proceed by regular and legitimate steps, than to make William immediately king.

His acceptance.

Upon the appointed day, January 22nd, 1689, according to the old style, the Grand Convention met at Westminster, under circumstances of lively expectation both for England and Europe. The members separated into two Houses, and proceeded to their choice of Speakers. The Marquis of Halifax was chosen by the Lords, and Mr. Powle by the Commons.

Meeting of the Grand Convention.

The Prince of Orange did not open the sittings, not having as yet any constitutional status, but he sent a letter to this free assembly of the nation, pointing out the necessity for securing at once a happy and lasting settlement, alike in the interests of England as in those of the Protestants of Europe. After some discussion, an address of both Houses was agreed upon describing the Prince, under God, as the glorious instrument for freeing the kingdom from Popery and arbitrary power, and thanking him for the great care he had taken in administering the affairs of the kingdom. They begged him to continue his administration until further application should be made to him by the Convention, which his Highness agreed to do.

Address to the Prince.

Then began the debates on the state of the nation. On January 28th, upon the suggestion of Sir Edward Seymour, the Speaker left the chair, and the House went into a grand committee of the whole House, in order to secure a full, free, and uninterrupted discussion. Mr. Gilbert Dolben, an able lawyer, and son to the late Archbishop of York, opened the discussion by a remark-

Position of the Crown.

CHAP. II. The Convention.

able speech, in which he gave it as his opinion that the crown was demised, and that James II. was no longer King of England. He laid it down as an undoubted proposition that "when the King does withdraw himself from the administration of the government, without any provision to support the commonwealth, when, on the contrary, he stops the use of the Great Seal by taking it away with him, this amounts to what the law calls demise—*id est*, a cession." The meaning of the word "demise," he urged, was *demissio*, laying down, whether actually relinquishing the government, or passively by death, in either of which cases it was a demise. By withdrawing his person, the King made a parenthesis in the government; and by withdrawing the seal the Chancery ceased, and no justice could be obtained. Mr. Dolben then argued from James's letter to Lord Feversham, in which he stated his intention of following the Queen to France, that the King's withdrawal had been voluntary; and he appealed to Littleton (*temp.* Edward IV.), "the oracle of the law," to prove that this withdrawal was equivalent to a surrender of the crown. He therefore recommended the Convention to declare that James II. had voluntarily demised the crown.

James's self-deposition.

Such a view was very debatable, and it was open to the objection that it circumscribed the right of Parliament merely to a recognition of the new prince while it was not known who that new prince might be. This did not satisfy Sir Richard Temple (nephew of Sir William, the diplomatist), who declared that the King had endeavoured to destroy the government of the nation in Parliament, and to overthrow the Constitution. He was no better than a tyrant, and had practically forfeited his right to the crown. Serjeant Maynard observed that the question was, not whether they could depose the King, but whether he had not deposed himself. Sir George Treby brought common-sense into the discussion when he said, "We found the throne vacant, and are to supply that defect; we found it so: we did not make it so."

Somers, the eminent lawyer, afterwards the great Lord Somers, spoke during the debate.[1] He was of opinion that the King's going to a foreign sovereign and casting himself into his hands absolved the people from their allegiance. Finch, another celebrated lawyer, who had been removed from the Solicitor-generalship in 1686, said that, while King James's acts were in no way justifiable, yet difficulties would arise if they declared that he had made a total renunciation of the kingdom. They could not transform the hereditary monarchy into an elective realm, and no one could dare to say that a bad administration involved a forfeiture of the crown itself. Sir Robert Howard, on the other hand, a champion of the popular liberties, openly asserted the vacancy of the throne and the breach of the original contract by a continued series of illegal acts throughout the whole of James's reign.

Various views thereon.

From the constitutional point of view the situation was a perplexing one. Theoretically the kingship could not cease; yet practically there was no king. The main difficulty was to reconcile the views of those who held the Divine right with the views of those who placed the supreme power in the people. In order to reconcile the various conflicting ideas, the Convention passed a resolution declaring the throne vacant in these words: "That King James II., having endeavoured to subvert the constitution of the kingdom by breaking the original contract between King and people, and, by the advice of

The Throne declared vacant.

[1] This distinguished man was born at Worcester in 1652. He was educated at Trinity College, Oxford, and was called to the bar of the Middle Temple. He became an able and eloquent pleader, and in 1683 was one of the counsel for Pilkington, Lord Grey, and others who had caused a riot in London, and in 1688 for the Seven Bishops. He was returned to the Convention Parliament for Worcester. Historians and his contemporaries generally, represent him as a most incorrupt lawyer, as a perfectly honest statesman, a master of oratory, a genius of the finest taste, and a patriot of the noblest and most extensive views—"a man who dispensed blessings by his life and planned them for posterity."

CHAP. II. The Convention.

Jesuits and other wicked persons, having violated the fundamental laws, and having withdrawn himself out of the kingdom, has abdicted the government, and that the throne is thereby become vacant." The former part of this resolution satisfied the Whigs, who justified their revolt on the ground of the King's misconduct; and the latter part eased the consciences of the Tories by asserting that James's withdrawal involved his abdication also.

Suggestions for a settlement.

A further debate ensued on the 29th, and a resolution was carried "That it hath been found by experience to be inconsistent with the safety and welfare of this Protestant kingdom to be governed by a Popish prince." The throne being now vacant, there was but one way to fill it. Wharton the younger said from his place, "Consider of it a thousand years, and you cannot cast your eyes upon persons so well fitted to fill it as the Prince and Princess of Orange." Lord Falkland and others urged, they had suffered so much in the past that the Prince could not take it ill if they secured themselves in future against arbitrary government. As in the previous debate, Sir Richard Temple again pointed the way to a safe settlement. He called upon the members to secure their liberties, and indicated under three heads what he considered to be essentially necessary: (1) Parliament must not be encroached upon by the King or his Ministers, while the military power must depend on the votes of Parliament; (2) Westminster Hall must be filled with judges who were not slaves to the King's prerogative; (3) the coronation oath must be taken upon entrance to the government, for "as we are sworn to our kings, so must they be sworn to protect us." Under such securities they could pursue the ends of the Prince's declaration.

The rational religion and liberties.

It was resolved "That before the committee proceed to fill the throne, now vacant, they will proceed to secure our religion, laws, and liberties." Serjeant Maynard agreed with this vote, but warned the committee against endeavouring to do too much. Some even spoke of a

new *Magna Carta*. Mr. Hampden, grandson of the patriot, thought time pressed, and to rise without doing more than merely fill the throne was not for the safety of the people. The Convention gradually widened its operations, and one of its first acts was to pass a vote of thanks to the clergy and to the army and navy.

The Lords and the Crown.

While the Commons were thus deliberating, the Lords, forming themselves into a grand committee, with Danby as chairman, debated the question of the vacancy in the Crown, without first formally declaring, with the Lower House, that the throne was vacated. The discussion was noticeable for the skill and learning displayed, as well as for its warmth. The Earl of Nottingham advocated a regency with the regal power, leaving the title and dignity with King James. The peers would have followed the Earl but for the strenuous opposition of Halifax and Danby, who, with much power of argument, exposed the inextricable difficulties of such a course. On the vote being taken, 51 were for a king, and 49 only for a regent. The minority comprised many able men, however, and of the bishops only two, London and Bristol, were in favour of filling up the throne. The prelates were anxious to reconcile the claims of legitimate right with the exigencies of the moment, and therefore favoured the regency of the Prince of Orange, leaving the nominal possession of the crown with James.

Was the throne vacant?

The party for a king was soon strengthened by the accession of four dukes: Ormonde, Southampton, Grafton, and Northumberland; and on January 30th the House came to a decision, by 53 votes to 46, that all power originally belonged to the community, and to the King only by mutual compact. The next question, "whether James had broken the original compact," was soon carried in the affirmative. Their lordships then voted the word "deserted" instead of "abdicated," and on the question of the vacancy of the throne coming up, a very heated debate took place. It was affirmed by a majority of eleven voices that, as the king never dies, the throne could never be vacated. Inferring from this

CHAP. II. The Convention.

that the crown devolved upon the next heir, certain peers moved that the Prince and Princess of Orange should be declared king and queen, but this was lost by five votes. Before the House rose, forty peers, including Halifax, Danby, Winchester, and Devonshire, entered their protest against the vote declaring that the throne was not vacant.

Attitude of William and his wife.

The Tories hoped to be able to transfer the crown to the Princess of Orange, as the nearest Protestant heiress; but when Lord Danby assured her that if she desired it she could be elevated to the throne alone, the Princess made him a very sharp answer to the effect that she was the Prince's wife, and that she would never be other than what she should be in conjunction with him and under him. William also, while he shut himself up at St. James's and would scarcely allow himself to be seen, let it be clearly understood that he would not be second to his wife in the government. "Much as he loved her, he could not be inferior to her." It was certainly necessary to have a strong sovereign, duly invested with the supreme power, upon the throne, for if James were to have another son of unquestioned legitimacy, and the Princess Mary were to die, what would be the status of the Prince of Orange? Under such circumstances grave difficulties must arise, culminating possibly in another revolution.

The Lords agree with the Commons.

Meanwhile the Lords and Commons held a conference (February 6th) touching the word "abdicated." There was a great display of learning and eloquence on both sides; but, according to the sense of the whole nation, the Commons had clearly the advantage. The upshot of this great critical dispute was that the Lords finally agreed with the vote of the Commons that James had abdicated the government, and that the throne was thereby vacant.

Position of parties.

There were three parties: first, those who were for William alone as king—but these were not numerous—secondly, those who were for the Princess of Orange alone, with delegated powers to her husband; and thirdly, those who were for a joint government by William and

KING JAMES II. 9

Mary, with the former as actual ruler. On February 6th there was a decisive debate in the House of Lords. Halifax, who, as a former upholder of hereditary right, might have been expected to decide for Mary, demanded the crown for William alone, declaring strongly against a divided authority; Clarendon and his brother defended the rights of the Princess Mary; and, as a compromise between these proposals, it was suggested to confer the crown upon the Prince and Princess together. Danby approved of this plan, which is also said to have been supported by Shrewsbury, Sidney, and all the moderate Church of England men. Without a division, the Lords passed a resolution that the Prince and Princess of Orange should thenceforth be King and Queen of England and all the dominions thereunto belonging.[1]

The Declaration of Rights.

The Commons at this juncture, mindful of their duty to the people, were engaged in formulating a scheme for securing the laws, religion, and liberties of England. A commission had been appointed, embracing men of all parties, to draw up the articles. It was presided over by Somers, and included Hampden, Wharton, Temple, Clarges, Seymour, and the lawyers Sawyer, Finch, and Pollexfen. The result was the Declaration of Rights, which drew its title from the Prince's declaration, and was the natural corollary of the Revolution settlement. This important historical document consisted of three parts: a recital of the illegal and arbitrary acts of the late King and of the vote of abdication; a declaration condemnatory of those acts; and a resolution that the throne should be filled by the Prince and Princess of Orange, according to certain limitations. The Lords and

[1] Hallam says there was a division on this proposition, that it was carried by 62 to 47, and that forty peers protested, including twelve bishops. Hallam is wrong, however, in this matter, and Ranke is right when he states that there was no division. I find by the Lords' journals that the protest spoken of by Hallam was the one against the vote declaring that the throne had not been vacated. The question for declaring the Prince and Princess of Orange king and queen was carried without a division or a protest.

CHAP. II. The Convention.

Commons asserted in their declaration "That the pretended power of suspending laws and the execution of laws by regal authority without consent of Parliament is illegal; that the pretended power of dispensing with laws by regal authority, as it hath been assumed and exercised of late, is illegal; that the commission for creating the late Court of Commissioners for ecclesiastical causes and all other commissions and courts of a like nature are illegal and pernicious; that levying of money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time or in any other manner than the same is or shall be granted, is illegal; that it is the right of the subjects to petition the King, and that all commitments or prosecutions for such petitions are illegal; that the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is illegal; that the subjects who are Protestants may have arms for their defence suitable to their condition, and as allowed by law; that elections of members of Parliament ought to be free; that the freedom of speech or debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament; that excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that juries ought to be duly empannelled and returned, and that jurors who pass judgment upon men in trials for high treason ought to be freeholders; that all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void; and that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently."

William and Mary declared joint sovereigns.

The Declaration closed with the resolution passed by both Houses of Parliament on February 13th: "That William and Mary, Prince and Princess of Orange, be, and be declared, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the crown and dignity of the said kingdoms and dominions to them, the said Prince and Princess, during their lives

and the life of the survivor of them; and that the sole and full exercise of the regal power be only in, and executed by, the said Prince of Orange, in the names of the said Prince and Princess during their joint lives: and after their decease the said crown and royal dignity of the said kingdoms and dominions to be to the heirs of the body of the said Princess, in default of such issue to the Princess Anne of Denmark and the heirs of her body, and in default of such issue to the heirs of the body of the said Prince of Orange." The Convention had thus completely changed the course of the English monarchy. It not only deposed James and abolished the reversion of his posterity, but affirmed that the kingship of England lay in abeyance from December 23rd, 1688, to February 13th, 1689. William and Mary were named joint rulers, but William was the real sovereign, a point conclusively demonstrated in 1690, when a distinct act of Parliament was required to enable Mary to exercise the regal power during the King's absence from England. In failure of royal issue in the lines specified, the devolution of the crown was to be regulated by future Parliaments. As for the character of the Revolution of 1689, generally speaking, it was the revolution of the people, and not of the classes, for the national sentiment went with the vote of the representatives.

The Bill of Rights.

The Declaration was confirmed by a regular act of the Legislature known as the Bill of Rights. This measure embraced many parts or sections. The first section recited the Declaration of Rights, with the resolutions already given, and the second declared, as we have also seen, that William and Mary should become king and queen. The third section contained the new oaths of allegiance and supremacy. The fourth recorded the acceptance of the crown by the Prince and Princess, the fifth the pleasure of the new sovereigns that the Lords and Commons should continue to sit and make provision for the settlement of the religion, laws, and liberties of the country. In the sixth, Parliament declared the matters set forth in the preceding sections to be the

CHAP. II. The Convention.

indubitable rights of the English people, while the seventh acknowledged the sovereignty of William and Mary, and the eighth fixed the succession. The ninth section contained a new and important declaration: that, "as it has been found by experience inconsistent with the safety and welfare of this Protestant kingdom to be governed by a Popish prince or by any king or queen marrying a Papist, it is enacted that all persons who shall hold communion with the Church of Rome, or shall marry a Papist, shall be excluded from the throne, and the crown shall descend to the next heir." The tenth section provided therefore that every king or queen on the first day of their first Parliament should subscribe and audibly repeat the declaration mentioned in the statute 30 Charles II.—that is, the Test Act—which declaration is one against transubstantiation, adoration of the Virgin, and the sacrifice of the mass. Finally, the closing section dealt with the dispensing power, and declared that no dispensation by *non obstante* of or to any statute should be allowed, except such dispensation be allowed in the statute or should be specially provided for by one or more bills to be passed during the current session of Parliament. The article in the Declaration of Rights against the dispensing power had already been modified by the House of Lords by the insertion of the words "as it hath been exercised of late," and the last section in the bill was now added to provide for cases where it might be desirable that the dispensing power should be used. In the next Parliament the judges were ordered by the Lords to draw up a bill for the King's dispensing in such cases wherein they should find it necessary, and for abrogating such laws as had been usually dispensed with and become useless, but nothing further was done in the matter.

Settlement of the Crown.

The crown of England was not only vested in the Prince and Princess of Orange jointly, but it was also conferred by anticipation on that one of the pair who should outlive the other. It was specially necessary, in case Mary died first, that William should be secured in possession of the throne, and provision was even made

for the succession of his children by any subsequent marriage; but they were only to inherit after the children of the Princess Anne. The Commons further affirmed the continuance in full of the Plantagenet title "King of France and Ireland." Troubles were already anticipated in Ireland, and the assertion of the authority of Parliament over that island was considered essential.

Its acceptance by William and Mary.

The formal transfer of the crown to William and Mary was made on February 13th, 1689, this important ceremony taking place in the Banqueting House, Whitehall, where the Lords and Commons of the Convention had assembled. The Prince and Princess stood upon the step under the canopy of state; and the Speakers of both Houses and all parties having taken their places, the clerk of the House of Lords read the Acts of Settlement and the Declaration, in which the tender of the crown was made. The reference to the constitutional concessions ran as follows: "We do claim and insist upon the premises as our undoubted rights and liberties. Encouraged by the Declaration of his Highness the Prince, we have confidence that he will perfect the deliverance which he has begun, and will preserve our rights against all further injury." The crown was accepted under the limitations expressed and the rights reserved. In his answer William declared his willingness to concur in anything that would be for the good of the kingdom. In his wife's name and his own he promised to protect the rights, privileges, and religion of the country, and to summon Parliament frequently, and to attach even more importance to its counsels than to his own opinion, while maintaining at the same time the lustre of the Crown. Proclamation of the new King and Queen was then made, with all the old formalities, first at Whitehall Gate, then at Temple Bar, and afterwards in Cheapside and at the Royal Exchange.

The Ministry.

William and Mary began their reign with a mixed Ministry. Danby was appointed Lord President of the Council; Halifax became Privy Seal, retaining also the Speakership; and Shrewsbury and Nottingham became Secretaries of State. The business of the Treasury and

CHAP. II. The Convention.

Admiralty departments was executed by boards, and the King himself directed the foreign policy of England.

The Convention becomes a Parliament.

On February 20th the Convention declared itself a Parliament. Powerful arguments were adduced both for and against this step. The last elections had not been held for the purpose of electing a legally constituted Parliament, but it was urged that the work of the Revolution might be jeopardised if the Convention now dissolved itself and the country were appealed to; the members therefore considered themselves justified in declaring themselves to be a Parliament and *de facto* representatives of the people at this crisis.

Coronation of the King and Queen.

The coronation of William and Mary was performed on April 11th in Westminster Abbey. The new rulers swore to govern according to the statutes passed by Parliament, and to maintain the religion established by law. Meanwhile the Revolution was being perfected in Scotland. A Convention was summoned in which the Presbyterian and Whig elements were greatly preponderant over those of the Episcopalians and Tories. The Convention quickly declared the deposition of James, and passed a Claim of Rights which was even more pronounced than the English declaration. It affirmed very clearly, amongst other things, the necessity for summoning frequent Parliaments, and it demanded the deposition of an ecclesiastical power which stood above the presbyter, and was alien to the historical development of the Church of Scotland. At Whitehall on May 11th, 1689, a Scottish deputation offered the crown to William and Mary. To only one of the required obligations did the King object: the article which pledged him to extirpate heretics and enemies of God's truth. William said he would work for Protestantism by legal and evangelical means, but he would never be a persecutor; and on the understanding that this only was required of him he swore to observe all the articles. There was a rising of the Highlanders in favour of James, but their leader, Dundee, was killed at Killiecrankie, and Mackay, the general of the Convention, brought the war to a successful

conclusion at St. Johnstone's and Dunkeld. James himself made an effort in Ireland. The siege of Londonderry was undertaken, but the city was relieved by Kirke, and the battle of Newtown Butler gave the advantage to William.

William's difficulties.

James, however, found encouragement in the condition of the English Parliament, which was now very much divided in its counsels. The King was also embarrassed in his Ministry. The chief Treasury offices were held by Mordaunt and Delamere, who knew nothing of finance, and the actual management lay with Godolphin, the brilliant Tory statesman. Of the two secretaries of State, one, Shrewsbury (the chief favourite of William), was a Whig, and the other, Nottingham, a Tory.

The King and the clergy.

A serious difficulty arose in relation to the clergy. By a large majority the House of Commons required that the oath of allegiance to William and Mary should be taken by every one, including the clergy. A time was fixed by which the oath must be taken; suspension was to follow refusal, and deprivation to succeed that, if the refusal were continued for a further six months. As a section of the clergy held out, the Lords proposed to leave it to the King to settle when the oath should be taken by each person; but the Commons opposed this. They held that, as Parliament had ordained the earlier oaths taken to King James, it had power to abolish them now. The State was the supreme authority in the alteration of oaths. The bishops maintained that Parliament had no right whatever to prescribe an oath to the clergy. Ultimately the oath was exacted, but the clergy had six months' more time allowed them in which to take it than the laity. A number of bishops were deprived of their sees, but they were succeeded by others incomparably superior; and while there were excellent men among the non-juring clergy generally, the well-affected part of the Church contained by far its most useful and able members. Of course the expulsion brought a certain amount of hostile influence to swell the other difficulties which beset the Government.

CHAP. II.

The Convention.

Comprehension scheme.

A Comprehension scheme was next brought forward for placing the Presbyterians on an equality with the members of the State Church. William advocated this, but the Church refused any concession except the revocation of the penal laws against Protestants; it would not tolerate equality on the part of any other religious body.

Ministerial dissensions.

The King was also thwarted in other directions, and his composite Ministry soon became a source of trouble. The Whigs grew jealous of the Tories, and the Commons were so prejudiced against Halifax that he was compelled to retire from power. His policy had been one of convenience, and "his fall is a warning to English statesmen that they will be deemed responsible to their country for measures which they countenance by remaining in office, though they may resist them in council."[1] There had been scandalous mismanagement of affairs in Ireland, and Military Commissary Shales, whose appointment the Commons suspected was due to Ministerial influence and corruption, was dismissed.

Whigs and Tories.

The breach between the Whigs and Tories became wider. Although both had co-operated in the Revolution, their principles now drove them asunder. When a bill of indemnity was brought forward, the Whigs endeavoured to use it as a means of vengeance, following unfortunately but too many precedents. It was sought to bring to account all those who were concerned in the proceedings of James II. which were declared to be illegal by the Declaration of Rights. The executions of Russell and Sidney were declared to be judicial murders; and reprisals were discussed of a kind suggested by the proceedings of the Restoration Parliament. It was further proposed that all who had taken part in the surrender of the charters of towns should be declared incapable of holding any office in the corporations, and this legislation would have struck severely at the Tories, the existing holders of those offices. The Indemnity Bill, however,

[1] Hallam's *Constitutional History of England.*

was not carried through. As the Whigs failed to eject the Tories from the corporation offices, which bore with them great influence, the former suffered severely at the ensuing elections.

Settlement of the Revenue.

While the Whigs in some matters acted from jealousy and vindictiveness, "they amply redeemed their glory by what cost them the new King's favour: their wise and admirable settlement of the revenue." William had been anxious in the outset "to combine all Protestant parties in the service of the State, and then to procure for himself a permanent revenue independent of an annual grant."[1] By this means he would have held a strong position as a monarch, and yet one in accordance with law. He considered that he was fairly entitled to the revenue of James II., and the lawyers who supported the King's view held that the revenue was annexed to the Crown, and followed the arrangement of public affairs. But the Whigs argued that if Parliament had power to dispose of the crown, it had also power to dispose of the revenue. Both matters lay with the people, and through them were vested in the Commons. The Convention Parliament recognised in former large grants a fruitful source of royal encroachments, and it was unwilling to risk future dissensions with the sovereign on the same grounds. Sir William Pulteney said, "It is our security to have the revenue in our disposition," and this was certainly an effectual means of preventing a monarch from acting independently of Parliament. While the Commons therefore did not object to a grant of £1,200,000 per annum, as under Charles II., they were not inclined to secure this sum to William III. for life. They even adopted a more stringent policy than had hitherto prevailed, and voted for one year only, and no longer, the taxes required to produce the necessary revenue. The learned Whig lawyer Somers pointed out that this tantamount reversal of the hereditary right of the Crown to a definite property was an innovation which

[1] Ranke's *History of England*.

CHAP. II. The Convention.

might have most dangerous consequences; but, much to the chagrin of the King, the House adhered to its resolution.

Dissolution of Parliament.

The friends of James II., including William Penn, regarded the new Government as in imminent peril at this juncture; and William was unquestionably in a most unenviable position. He could not make friends with the Tories, and yet the Whigs, upon whom he had relied, were now curtailing his power and placing the Parliament in supreme authority. He still gave his confidence to Halifax and Danby, and upon their advice, combined with that of Nottingham, he prorogued Parliament on January 27th, 1690. He dissolved it by proclamation ten days later, and a new one was summoned to meet on March 20th.

Work of the Convention.

The Convention had done its work in placing the new King and Queen upon the throne. But not content with that work, and acting under the influence of trepidation, it had constituted itself a regular Parliament. Its later proceedings annoyed and embarrassed the King, and it is said he was so greatly agitated that at one time he thought of relinquishing a dignity which he found cumbersome and distressful. As the Court and Parliament were riven by contending factions, William decided on submitting the issues to the nation.

The War in Ireland.

Anticipating for a moment the sittings of the new Parliament, Irish and European events demand here a brief mention. In June, 1690, William went over to Ireland to relieve Marshal Schomberg, and on July 1st he won the battle of the Boyne, one of the decisive engagements of the world. He was compelled to raise the siege of Limerick, however, and return home; but in the succeeding year Ginkell, a Dutch commander left in charge, concluded the Irish war by taking Athlone, gaining a victory at Aughrim, and besieging Limerick. The Pacification of Limerick was signed October 3rd, 1691; and with this James's Irish attempt ended, and his rival was secured upon his throne.

General situation.

Affairs abroad were for a time unsatisfactory. England had declared war against France in 1689, and in the

following year the combined fleets of England and Holland were beaten off Beachy Head. Nevertheless the Protestant coalition was greatly strengthened by a congress at the Hague. The projected invasion of England was completely thwarted by the great sea-fight off La Hogue in May, 1692, when the British commanders, Russell and Rooke, almost destroyed the naval power of France. At home Marlborough was dismissed from his offices, upon the discovery of his intrigues with the Jacobites in France. This led to a rupture between the Princess Anne and the Queen. Viscount Preston, head of the Jacobite conspiracy, was arrested and convicted of treason; and, lastly, the pacification of the Highlands was signalised by the infamous massacre of Glencoe—February 13th, 1692.

William's Difficulties.

From this time forward William's difficulties were mainly of a Parliamentary and constitutional character.

CHAPTER III.

PARLIAMENTS OF WILLIAM III.

William's second Parliament.

THE composition of the second Parliament of William III.[1] was such as the Whigs foreboded upon the rejection of the corporation scheme. The city of London returned the Tory list, and Burnet states that the elections generally went for men who would probably have declared for King James if they had known how to secure his return.[2] The leading Whigs did not lose heart, however, but still hoped to regain the confidence of the King. When the Houses met on March 20th, 1690, the Tories carried Sir John Trevor as Speaker of the Lower House by a large majority. Trevor undertook to manage the Tory party provided he was furnished with sums of money

[1] As the Prince of Orange summoned the members of the Convention, and as that body transformed itself into a Parliament after the Prince's acceptance of the throne, it became the first Parliament of William III., or William and Mary.

[2] Hallam says this is quite an exaggeration, though he admits that the Tories were victorious in certain cases. Ranke speaks of the altered relation of parties in the new Parliament. No doubt, on the whole, the House of Commons was favourable to the Revolution and public liberty, but it cannot be denied that the Tories had greatly strengthened themselves. Party names are a little confusing, however, at this period, when certain Ministers and officers of state were Tories, and others Whigs, and when the Jacobite Tories threw in their lot with the discontented Whigs.

to purchase votes, and it was under him that the practice of buying off men began.

The King's speech.

In his opening speech William desired the Commons to make a settlement of the revenue forthwith, with as much regard for the honour and dignity of the monarchy in his hands as had been shown to his predecessors. He also referred to his repeated recommendations of an act of indemnity to the last Parliament, and said, "I intend to send you an act of grace, with exceptions of some few persons only, but such as may be sufficient to show my great dislike of their crimes and at the same time my readiness to extend protection to all my other subjects." The King further recommended Parliament to nominate commissioners for considering the proposed union with Scotland.

The Revenue.

The House of Commons went into committee for settling the revenue, with Mr. Hampden, who was now Chancellor of the Exchequer, in the chair. The King's wishes were carried out, for after debate four important resolutions were agreed to without a division. The first affirmed that the hereditary revenues to which the late King was entitled were now vested in William and Mary, "in right of the crown of England," except the revenue arising by fire-hearths and stoves. By the second the House agreed to bring in a bill for vesting the said revenues accordingly, so that they should not be alienated from the Crown, nor chargeable with any gift or grant to be made in the future. The third provided for the settling of that moiety of the excise which was granted to Charles II. and James II. upon their present Majesties for their lives and the life of the longest liver of them, with a clause to enable their Majesties to make the revenue a security for raising money towards a supply. The fourth resolution pledged the House to bring in a bill to grant to William and Mary for the term of four years from the ensuing December the Customs which were granted to Charles II. and James II. The limitation of the Customs to four years was not only a basis for the credit which the King desired to open, but it

CHAP. III. Parliaments of William III.

prevented him from being permanently independent of Parliament.

Act of Grace.

These concessions were followed by the publication of the King's comprehensive Act of Grace. Issued on May 20th, it was received with peculiar marks of respect and satisfaction, and was only read once respectively in the Lords and the Commons. With the few exceptions of those who had made themselves notorious as the ready instruments of James II., and who had already fled from the popular vengeance, the act pardoned all those guilty of political offences before the day on which the royal signature was affixed to the indemnifying document. The act was very distasteful to the violent Whigs, who alleged that it completely refuted William's declaration ; but, as Macaulay has remarked, it is "one of his noblest and purest titles to renown." It was a humane departure from the old practice of vindictive reprisals.

Abjuration Scheme.

The Whigs now sought to press forward an Abjuration Bill, founded on the principle that those who would not make renunciation of King James's title ought not to have the benefit of the Habeas Corpus Act or be capable of holding any office. Sir Thomas Clarges thought the bill would bring in a commonwealth, but Mr. Comptroller Wharton pointed out its necessity because the nation was at actual war with one who had been king, and whom some still hoped might be again. But the general feeling was that criminal attempts against the King's person would not be hindered by the proposed oath, while many conscientious men might be driven by it into antagonism to William. The bill was also of the objectionable nature of an inquisition into men's political sentiments. The measure was rejected by 192 to 165 votes. In the Lords the bill was brought forward in a modified form, but ultimately dropped. The Earl of Shrewsbury was the most ardent defender of the abjuration scheme; and seeing that the Whigs were driving King William into the hands of the Tories, and being also jealous of Danby's influence, he delivered up his

seals as Secretary of State, and could not be prevailed upon to resume office.

Recognition of the Convention laws.

Another important question which came up was the validity of the laws passed by the Convention Parliament. A Recognition Bill was brought in, and the Whigs sought to secure a declaration that the acts in question "were, and are, good laws," while the Tories were only in favour of confirming them by stating "that they are good laws." When one member challenged the legality of the Convention, since it was not summoned by writ, Somers, then Solicitor-General, answered with great spirit that if the Convention was not a legal Parliament, they who were then met, and who had taken the oaths enacted by that Parliament, were guilty of high treason, and James was still king. None could answer this, and it was felt that a bill covering more than a mere confirmation was necessary. The question was finally set at rest by a clause embodying a recognition of the lawfulness of the acts of the Convention Parliament, and in this form the bill passed both the Lords and the Commons.

War taxation.

The second session of this Parliament was opened October 2nd, 1690. No official report of the debates has been preserved, but the reports of Bonnet, the representative of Brandenburg in London, to some extent supply the deficiency. The King assured the Houses that if the war against France was not prosecuted with vigour, no nation in the world was exposed to greater danger than England. He spoke so urgently of the need of additional war preparations and fresh money votes as to give offence. Yet the popular feeling was all with William. The French were threatening the English coasts, and there was a universal outburst against them. The House of Commons had therefore no option but to acknowledge that the safety and the liberties of Europe were bound up with the King's person, and that he must be strongly supported. A sum of £4,425,000 was asked for, and the chief difficulty that arose was as to the method of raising it. Various expedients were suggested; and at length a land tax was imposed for

CHAP. III. Parliaments of William III.

twelve months, the bread tax was also doubled, and the import duties were increased.

The political situation.

During this session great loyalty and liberality prevailed in the Commons, for which William returned his "hearty thanks." The Whigs gained new courage, and Lord Godolphin, who now began to associate with them, was placed at the head of the Treasury. Sir John Somers, by his conspicuous abilities and virtues, was every day winning the confidence of the King, and in the city of London the Whigs were once more predominant. In March, 1691, William visited the Hague, and presided over the Congress of Princes, when it was resolved to employ 222,000 men against France, England furnishing a contingent of 20,000.

War requirements.

The third session of William's second Parliament was opened on October 22nd, 1691. After a reference to Ireland, which had now been reduced to a peaceable condition, the King said he hoped this would be looked upon as an earnest of future successes. But England required as strong a fleet as in the previous year, and a still stronger land force, and his Majesty did not see how it was possible to do with less than 65,000 men. Both Houses congratulated the King upon his safe return, and promised to assist him to the utmost of their power in vigorously carrying on the war against France.

Army and Navy grants.

In Committee of Supply a grant of £1,575,890, with 30,000 men, was made for the navy, and one of £2,225,671, with 64,924 men, for the army. The army figures only included private soldiers, and a special grant was noted for officers. But, with all this liberality, the Commons asserted their constitutional claim to examine the Government estimates for the next year's service and to limit them at their discretion. Parliament regarded itself as the rightful custodian of the public purse, and as responsible for a judicious and an economical expenditure. The Commons also claimed control over the expenditure of the public money, and several acrimonious money debates occurred this session; while a commission of inquiry into the accounts was appointed.

KING WILLIAM III. AND MARY II.

The secret service money, which had been misapplied and used for bribing members, was especially singled out for attack, and Sir John Lowther, Secretary of State, was so closely pressed in connection with the Treasury accounts that he declared he should be much easier out of his place, and hoped to leave it. The general tendency of these discussions proved that, while Ministers acted under the King's authority, they must account for their stewardship in Parliament.

Lords and Commons.

The Lords desired to co-operate in selecting the commission of inquiry, but the Commons circumvented them by tacking the nomination of its members to a money bill, which the Upper House did not venture to throw out. This bill was one for the imposition of a poll-tax, it being found that the land tax and the increased excise duties (voted anew) were not sufficient for the national requirements. A clause annexed to the bill provided for the permanence of the commission. The Lords vehemently opposed the measure, but gave way because of "the imminent peril that England and a great part of Christendom would run if either the passing of the subsidies or his Majesty's journey to the Continent were delayed." The bill consequently passed without amendment, and the royal assent was given to it on December 24th,[1] in the old French formula, "The King and Queen thank their subjects, accept their benevolence, and will it so."

The King vetoes a bill.

The Lower House again took up the question of assigning the Irish confiscated lands to the purposes of the war, and also raised the general subject of the limitation of the military privileges enjoyed by the King and his officers. Following a scheme suggested at the settlement of 1688, it was proposed to make the judicial bench independent of the administration, and to pay the judges' salaries quarterly without a royal order. The bill passed both Houses, but it was the first measure to which the King

[1] Ranke says February 24th, but that was the day on which the King closed the session, not the day on which he gave his assent to the money bills.

CHAP. III. Parliaments of William III.

withheld his sanction. To avoid giving it, he went down to the House of Lords on February 24th, 1692, and closed the session, stating that he was very speedily going beyond sea. This visit to the Continent was only partially auspicious for the King. Although Russell gained his brilliant victory off La Hogue in May, in the Netherlands Namur was besieged and taken by the French monarch, and William's army was afterwards defeated at the battle of Steinkirk (July 24th).

At home the devious course of politics was complicated by the quarrel between Admiral Russell and Finch Earl of Nottingham. When Parliament opened again in November, 1692, loud complaints were heard as to the mismanagement of the war, and attacks were made upon Count Solmes for his hostile attitude towards the English at Steinkirk. A demand was made that in future no foreign officers should command British troops. So great was the feeling against Solmes that the King would not see him for many months after. The Whigs pressed all the scandals home, and especially attacked the chief Ministers, Nottingham and Carmarthen. Nottingham charged Russell with slackness in duty alike before, at, and after the battle of La Hogue. Russell defended himself in the Commons, and showed that there had not been one transaction of the fleet without the consent of the Council of War; they were all unanimous. The Commons passed a resolution congratulating the Admiral on his loyalty, courage, and skill, and if later Ministerial precedents had prevailed this would have led to the resignation or dismissal of Nottingham; but it was Russell who actually lost his appointment, while Nottingham strengthened his position, and advanced his Tory friends to important naval posts.

Mismanagement of the war.

Parliamentary struggles.

The Whigs next attacked Nottingham in another way. To overthrow him and the Tories, they proposed a statute declaring it high treason to deny the lawful authority of the King. This would have necessitated the taking of an oath of abjuration by all persons holding high offices, but the Commons threw the bill out on the ground of its

being of the nature of a State inquisition, and because of the destructive powers it would have put into the hands of two false witnesses. The Tories exercised the rights of a majority in one important point this session: they overthrew a proposal for a joint committee of the two Houses to advise with the King. Once more the exclusive authority of the Lower House in questions of finance was affirmed; yet a financial struggle of great importance arose between the Lords and the Commons. The Upper House sought to add the names of certain peers to the Treasury commission on the levying of the land tax, but the Commons resisted this as an infringement of their privileges. The Lords fought earnestly for the right of taxing themselves, and the Earl of Mulgrave, in a speech of many hours, marked by great force and eloquence, pressed for a committee to examine precedents. But considering the safety of the nation rather than their supposed privileges, the peers abandoned a claim which was constitutionally unsound.

The Place Bill.

A bill was brought forward in the Commons by which a member of Parliament who accepted any civil or military post under the Crown was declared to be "civilly dead," and another election was ordered to fill up the vacant seat. Then, in order to strike at Ministerial influence over members, it was further proposed to exclude all public servants from Parliament. Those who supported this change held it to be inconsistent with a representative system of government for public servants to have seats in the Lower House. The measure was called "A bill touching free and impartial proceedings in Parliament," and it was introduced by Sir Edward Hussey, one of the members for Lincoln. It placed the Commons on the horns of a dilemma, for those who were in office had not strength and credit to make great opposition to it, being the persons concerned, and those who had no places had not the courage to oppose it, as that would have appeared a recommendation of themselves for preferment. The bill accordingly went through the Lower House with little difficulty; but in the Lords it

CHAP. III. Parliaments of William III.

was vehemently opposed by the Court party. Yet so nearly was this important measure passing that 42 peers voted for it, with three proxies on the same side; while 40 peers only were against it, with seven proxies. The bill was thus only lost by a majority of two.

The Triennial Bill.

One other question of vital importance to the Commons was discussed at great length this session. The Earl of Shrewsbury, acting on behalf of the body of Whig peers who were dissatisfied with the relations existing between Ministers and the majority in the Lower House, brought forward a bill providing for frequent Parliaments. As it finally passed the Lords, it enacted that Parliament should meet every year, that there should be a new Parliament every three years, and that the existing Parliament should be dissolved on January 1st, 1694. This sweeping measure excited great commotion in the Commons. Some regarded it as an act of vengeance against the Lower House, because of the stand it had made on the money bills; and Sir Charles Sedley, the famous but dissolute poet, declared with regard to the clause dismissing the Parliament then sitting, "Never was there any such invasion upon the prerogative of a king, never such an indignity offered to a House of Commons in being." Sir Edward Seymour also said that the bill would take off the dependency of the people on the Crown, and set up the Lords, who had no right, turning the Commons out of doors. Mr. Finch opposed it on the ground that it took away the great prerogative of dissolving Parliaments, and Sir Richard Temple pursued the same argument, affirming that the bill was the most dangerous thing that had ever been seen in the House.

Speeches thereupon.

On the other hand, the bill was supported by many of the best men in the House. One of the ablest speeches in its favour was made by Mr. Robert Harley, who was afterwards Speaker, and subsequently became Earl of Oxford. He held it to be no entrenching upon prerogative, and read with great effect the passage from the Prince of Orange's declaration promising frequent

Parliaments. He contended that experience showed how Parliaments of long standing were liable to corruption, and no longer represented the people. Mr. Herbert, who had been a hearty promoter of the Revolution, and was soon to be created Lord Herbert of Cherbury, said he would rather have a standing army than a standing Parliament. Even an old Tory like Sir Thomas Clarges was enthusiastic for the measure, and declared it to be the best bill that ever came into the House since the treason statute of Edward III. The Long Parliament had ever been held a grievance by him, and the chief good thing in the Bill of Rights was the clause relating to frequent Parliaments.

William refuses his assent to it.

Being supported by a combination of Whigs and Tories, the bill was ordered to be read a second time by 210 votes to 132, and it finally passed by 200 to 161. Much to the surprise of the House and the country, the King refused his assent to the bill. Although he had an unquestionable right to do this, it was an impolitic step, for the measure was not one which had been forced upon either House by the other. Lords and Commons had alike declared for it. His Majesty, however, was now obliged to reconsider his position with regard to the Whigs, seeing that they had led both Houses on an important constitutional question. The session closed on March 14th, 1693, amid ill-humour on all sides.

Ministerial changes.

The Earl of Nottingham was assisted, and afterwards superseded, as principal Secretary of State by Sir John Trenchard, a pronounced Whig ; and the Great Seal was given to Sir John Somers, the learned Whig lawyer. The Tory Ministers, however, were still in a majority, but the course which military and naval affairs took during the next few months worked them serious damage. The loss of the Smyrna fleet was followed in July by the defeat at Landen. Cries of treason began to be raised against the Tories, and a strong anti-Jacobite feeling prevailed. In the absence of William, who was on the Continent, Mary promised a searching inquiry into the defeats. But the King himself was extremely

CHAP. III.

Parliaments of William III.

popular, and on his return was greeted with great enthusiasm.

The Fleet.

William opened the fifth session of his second Parliament on November 7th, 1693. The Commons severely condemned the mismanagement of the fleet. Killigrew and Delaval were in consequence deprived by the King of their posts at the Admiralty and in the fleet, and Nottingham lost the seals of office. The bill for more frequent Parliaments was again brought forward, but was rejected by 146 to 136, the Commons holding that in the general position of affairs all difficulty with the Crown ought to be avoided. The bill touching free and impartial proceedings in Parliament, or the Place Bill, was more successful on its reintroduction. Harley said that no arguments had been offered against it, and his great contention was that acceptance of office rendered a member's place vacant. The measure passed, with a new article providing that on the appointment of a member of Parliament to any fresh office re-election was necessary. But on the day when the royal assent was expected to be given to the bill in the House of Lords William sat silent. The clerk looked towards the throne for the King's bow, but, as it was not given, he was obliged to declare that his Majesty would think about the bill. The Commons were angry at the rejection, though they could not question the King's legal right of extinguishing the bill. But this step was most unusual, and in the storm which arose William was upbraided for disappointing the nation's hopes, and it was decided to present him with an address requesting him to be guided by the counsels of Parliament, instead of by those of individuals who might have personal ends to serve. William replied that he should call no man friend who interfered with the mutual confidence between himself and the nation. The discussion continued, but a proposal to wait on the King again was thrown out of the Commons by a large majority.

The Place Bill again.

War preparations.

The war preparations next engaged the attention of Parliament. A sum of £2,500,000 was voted for the

maintenance of the fleet; but the demand for an increase of 30,000 men in the land forces met with considerable opposition. A compromise was arrived at, the Commons voting 20,000 additional men, with which William expressed himself satisfied. The vote for the land forces also amounted to about £2,500,000, together with £147,000 for subsidies to foreign Powers, so that the total votes for the two services reached quite £5,000,000, a heavy amount for that period, and considering the population.

The Revenue.

In the session of 1694 the revenue question was dealt with upon comprehensive and permanent principles. The House of Commons, taking as the basis of its plan the sum of £1,200,000, fixed by the Parliament of Charles II., decreed that in time of peace it should serve for a double use—namely, to pay the expenses of the Court and Government and the expenses of the public defence. The costly war with France prevented this arrangement from taking effect; but the idea of a fixed sum for the King's own expenses, both in governing and keeping house, was never afterwards departed from. The public defence in its three branches—navy, army, and ordnance—became a separate department, controlled directly by the Commons, who received estimates of the proposed expenditure, and granted supplies accordingly.

The National Debt.

The National Debt originated at this time. As early as 1690 it was felt that loans must be contracted to meet the requirements of the war, and in 1692 steps were taken towards establishing a bank for life annuities. The financier who conceived this new idea was Charles Montague, who had formerly been Sir Isaac Newton's pupil. He now began to make a conspicuous figure in the House of Commons. He was made Commissioner of the Treasury, and afterwards Chancellor and Under-Treasurer of the Exchequer. At first inclined towards literary pursuits, he had abandoned these (though he still encouraged them in others) to devote himself to the concerns of the Treasury and to a study of the public funds. He demonstrated the error of giving money upon remote

CHAP. III. Parliaments of William III.

funds, at a vast discount, and with great premiums to raise loans upon them; and he pressed upon the King the financial maxim to have all the money required for the service of any year to be raised within that year.

Financial schemes.

In 1692 Montague, in order to defray part of the military expenses, had borrowed, with the authority of Parliament, a million sterling, the interest of which was secured by new duties on liquors. These duties were to form a fund, and on the credit of this fund the loan was to be raised by life annuities, which were to be extinguished when the survivors were reduced to seven. Next year—1693—a still greater deficiency had to be filled up, and various taxes were suggested for securing the regular payment of the interest. Duties were proposed on leather and soap, but, as these would have pressed heavily upon the manufacturing community, they were rejected, after a powerful speech by Edward Seymour. The land tax was reimposed at four shillings in the pound, and a tax on salt was agreed to; but, more money still being required, a stamp duty and a tax on hackney coaches were passed.

Founding of the Bank of England.

The establishment of the Bank of England in 1694 sprang out of the necessity for relieving the Government of its many difficulties caused by the war and misapplied taxation. The founding of this important institution marks an epoch in the monetary history of the country. The Bank was projected by a Scotchman named William Paterson, who had in view the double object of accommodating the London merchants and preventing the Ministry from being obliged to pay frequent visits to the City to raise sums at heavy interest. Utilising Paterson's idea, Montague borrowed £1,200,000 at 8 per cent., and formed the subscribers into a company, who treated the loan to Government as part of their capital, the interest being secured by Parliament upon the taxes. The company was restrained from trading in anything but bullion, bills of exchange, and forfeited pledges, and from lending money to the Crown without the consent of Parliament. The capital was not to be repaid till 1705,

and if paid then, the company must be dissolved at the same time. The members of the Lower House did not like the plan, jealous of the influence it might give to either of the great parties, but State exigencies compelled them to give way, and the scheme passed the Commons April 18th, 1694. In the Lords, Halifax and others opposed the bill on the ground that the establishment of the Bank would tend neither to the advantage of government nor to that of commerce, as people would leave their money in the Bank rather than risk it in commercial ventures, while it was also detrimental to the interests of the landed gentry, as the ease with which money could be taken to the Bank and drawn out again would add enormously to the difficulty of negotiating mortgages and make land unsaleable. Weak in other arguments, Ministers could only plead the overwhelming necessity for a loan if the war were to be carried on with vigour; so on April 23rd the Lords passed the measure by a majority of twelve. The Bank of England, though now in one sense established, had many difficulties to contend with before it could be said to be a stable institution.

Elevations.

Parliament was prorogued April 25th, 1694, and the same day Shrewsbury, who was now principal Secretary of State, received a dukedom and the Garter, while Carmarthen, President of the Council, was made Duke of Leeds. Sidney, Lord Godolphin, was appointed First Lord of the Treasury. During the recess the war pursued a devious and undecided course.

Passing of the Triennial Bill.

The sixth session of William's second Parliament opened on November 12th, 1694, but a good deal of delay ensued before it proceeded to business. The tunnage and poundage money had only been granted to the King up to December 24th, and there was ground for the assertion that the Commons were determined to make its continuance depend upon the sovereign's acceptance of the bill for triennial Parliaments. Mr. Harley was at any rate ordered to prepare and bring in the Triennial Bill soon after the session opened, and it went through its various stages with unusual celerity. The Lords agreed

CHAP. III. Parliaments of William III.

to it without amendment. To assert its control over the public money, the Lower House suffered a day to elapse between the expiration of the period assigned to the grant of tunnage and poundage and the voting of the new grant, which was to date from December 26th and to run for five years. The King gave his assent to the Tunnage Bill and the Triennial Bill on the same day (December 22nd). It was generally anticipated that Parliament would be more independent and less corruptible in consequence of the passing of the Triennial Act, but it did not affect the King's right of dissolving Parliament at his discretion. The bill was very popular, and loud applause followed the declaration of the royal assent.

Reporting the debates.

One Dyer, who had presumed to report the Parliamentary debates in his *News Letter*, was brought to the bar of the House of Commons on December 22nd, and upon his knees was reprimanded by Mr. Speaker for his great presumption. It was resolved "That no newsletter writers do in their letters or other papers that they disperse presume to intermeddle with the debates or any other proceedings of this House."

Death of Queen Mary.

While William III. was full of anxiety with respect to the war abroad, a severe domestic calamity befell him by the death of his wife on December 28th. This excellent princess was universally lamented, and she was so beloved by her husband that for some time after her death there was reason to apprehend the King's following her. He never entirely recovered this untoward blow. When Mary was dying she sent a message of reconciliation to her sister, and, through the intervention of Lord Sunderland, the King afterwards received the Princess Anne, whereupon the royal estrangement to a considerable extent ceased, though there never was real confidence or cordiality between them.

Continuance of Parliament.

A constitutional question arose upon the death of Mary. While the crown in this melancholy event was vested by settlement in William alone, some argued that Parliament *ipso facto* was dissolved by the demise

of the Queen, as the writs had run in the names of both the King and the Queen. But those about the Court, as well as the legal luminaries called in for consultation, held that, as William's name had always stood first, there could be no doubt that Parliament would continue legally to exist; and the contention that it was practically dissolved met with no real countenance. As there was provision already for an early dissolution under the Triennial Act, it was regarded as the wisest course to overlook any defect of form, if any such defect there were, rather than suffer the whole business of the year to languish, and the kingdom to be put into a ferment at so delicate a conjuncture. More than ordinary caution was requisite for preserving the peace at home. The Commons took no note of the constitutional objection, but proceeded at once with their business. The Queen's name disappeared from the Great Seal, but that was the only change, and William's reign still continued to be dated from 1689. Both Houses of Parliament voted addresses of condolence to his Majesty, who thanked them for their kindness and sympathy at a time when he was able to think of nothing but his great loss.

Effect of Mary's death upon parties.

The death of the Queen alienated the Tories and Episcopalians from the Government, while it was also followed by an accession of official strength on the part of the Whigs. In the Upper House Lord Nottingham now felt himself free, for his wife's position in Mary's household had been his last tie at Court. He vehemently attacked both the home and foreign policy of the Government, objecting to the expedition of the English fleet into the Mediterranean as endangering the security of the British Isles, and to the establishment of the Bank as ruinous to the interests of landowners and even of traders. Nottingham was supported by Halifax, and the Government was defended by Godolphin and Marlborough. It was certainly a mistake to attack the Bank, an institution which had been rendered indispensable by the national exigencies.

Proceedings against Trevor and Danby.

The Whigs in the Commons assumed a very militant attitude. They expelled the Speaker, Sir John Trevor, for taking bribes, and elected Mr. Paul Foley in his place. Foley had obtained great credit for his integrity and his constant complaints against the administration, which were frequently but too well founded. Danby, Duke of Leeds, was accused of having been bought for a very considerable sum of money—5,500 guineas—by the East India Company. He was for a second time impeached, but escaped condemnation, causing the suspension of the proceedings by securing the flight of the principal witness. He managed to retain his place for three years longer, but the Whigs were determined, if possible, to eject the Tories entirely from the administration.

Dissolution of Parliament.

Parliament was prorogued on May 3rd, 1695, and the King set out for Holland on the 12th. The retaking of Namur from the French consoled William and the allies for many previous unsatisfactory or indecisive actions. The King's friends now besought him to return while England was full of his praises, and he was advised to call a fresh Parliament at once. Accordingly on October 11th, the day after his return from Holland, a proclamation was issued dissolving Parliament, and calling a new one for November 22nd ensuing. The King now assumed a cordial attitude towards the Whig leaders, and at the elections a number of leading Tories lost their seats, while the same fate befell certain Whigs who opposed the Government. John Hampden, grandson of the famous patriot, took his rejection so much to heart that he committed suicide. A considerable number of new men were returned at the elections, and while the political attitude of some was dubious, generally they were in favour of the Government.

Opening of a new one.

On the day appointed—November 22nd—the third Parliament of William III. assembled at Westminster. The Commons promised to support the King vigorously against all foes at home and abroad, and in the prosecution of the war in which he was engaged for the safety of

England and the liberty of Europe. But a powerful section of the House were at issue with the Government on the practical questions involved. Musgrave and Seymour endeavoured to carry a reduction of 25,000 men, and they stated their case very ably, showing that England was bearing a heavy burden, and one greatly disproportionate to that borne by the allies. However, the Government again pleaded that England must not relax her efforts, and the full demand for men was carried by 243 to 135 votes. Seeing the strong feeling, Musgrave himself proposed a grant of money as large as that voted for the previous year for the land forces; and ultimately the votes for the two branches of the service amounted to upwards of £5,000,000.

Depreciation of the coinage.

The raising of this sum, under ordinary circumstances no easy task, was now rendered far more difficult by the rapid depreciation of the English silver coin. Shortly before the Revolution a custom had set in by which the silver in circulation had been so clipped and filed that by the year 1695-6 the great bulk of it was very far from corresponding to the value it ought to bear. This not only led to confusion at home, but the Bank of Amsterdam at one time absolutely prohibited the circulation of English silver. A good deal of the silver lost half its original weight in clipping; silver coin that was not clipped was hoarded; and gold consequently rose to an extravagant price, the guinea being valued at thirty shillings. Some steps were necessary, and the House of Lords requested the King to fix a day after which no clipped coin should be a legal tender, the Commons to be consulted as to the most convenient day. The proposition caused great excitement, for practically all the silver coin in circulation had been clipped, and if it were no longer to possess its face value great hardship would be caused amongst the entire community.

Money to be re-coined.

The matter was very pressing; and Montague, the Chancellor of the Exchequer, alleged that the mischief would be fatal if an immediate remedy were not devised and applied. The Commons were afraid to postpone the

CHAP. III. Parliaments of William III.

question on the ground of the feeling out of doors, so it was resolved to go into committee on the state of the coinage. The problem for decision was, Who was to bear the loss, the State or the individual? The King desired the State to be the loser, and the Commons took this view. On December 10th, after a lengthy debate, the Lower House resolved to recoin the clipped money, according to the established standard of the Mint, both as to weight and fineness; and, to make it more easy for the people, they voted a recompense for the deficiency of the clipped money. Locke, the philosopher, who issued two pamphlets on the subject, which "form an epoch in the history of the theory of currency," opposed this view because it contradicted the axiom that society was based on the individual. But it was absolutely necessary to do something for the public. On another issue, however, the Commons agreed with Locke, and, by 225 votes to 114, decided that the new coinage should be unchanged, and should follow the established standard of value.

Revenue and Taxation.

The loss to the revenue by the operations was estimated at £1,200,000, and this could only be met by new taxes. The old hearth tax was unpopular because it savoured of Crown privileges, so it was resolved that a tax known as the window tax should be levied on all dwelling-houses except cottages. The impost was to be exacted for seven years, at the rate of 2*s.* yearly upon each house, 4*s.* upon every house having ten windows, and 8*s.* upon such houses as had twenty windows, over and above the 2*s.* While the people gained, the Crown lost by these monetary changes, for William surrendered the recoinage of the currency, which preceding sovereigns had tenaciously held as a right.

King and Parliament.

There were two important matters at this time in which William sustained a check at the hands of Parliament. The first related to the large Crown domains in Wales, which the King had granted to his friend Bentinck, Earl of Portland. The House of Commons strongly opposed these grants on the ground that they

would sever the connection between King and subjects. They did not affirm that the sovereign had no right at all to alienate Crown property, but they maintained that there were certain cases which called for the assent of Parliament. For example, these Portland grants would swallow up the revenues on which the government of the country depended. They were vigorously attacked by Sir Roger Puleston and Mr. Price, a very able lawyer and subsequently one of the Barons of the Exchequer; and the King had no option but to recall his gift.

Isthmus of Darien scheme.

The second matter in which the King's policy was seriously called in question was the scheme of Paterson the banker for colonising the Isthmus of Darien as a central place of trade. The Scots took up the plan by which goods from India were to come by ship to the Isthmus on the Pacific side, to be then carried overland to the colony, and there shipped off to Glasgow. They were then to be borne by a Clyde and Forth canal to Leith, and from this port a ready entrance would be found to the European markets. A capital of £400,000 was raised in Scotland, and in 1695 the scheme received the approval of the Scottish Parliament. It was sanctioned by the royal commissioner on the ground of the King's promise to favour Scottish commerce and to support its settlements in foreign parts. But the English merchants attacked the scheme, perceiving in it a formidable rival to their commercial enterprises. Parliament was moved on the subject, and both Houses complained of the King for entering into a project, not only opposed to English interests, but hostile to his own. Both England and Holland, they urged, must suffer from the new company, and there would be a great loss in import duties. The King was more bound to consider England than Scotland. William gave way, and removed the Scottish Ministers chiefly responsible for the project.

Board of Trade established.

Parliament followed up this step, and established a Board of Trade, for the better securing of the trade of the nation. The King ordered his Ministers to oppose the

plan, but the Earl of Sunderland, to his great surprise, supported it. Then William proceeded to name the members of the Board, among whom Locke was included, but the House of Commons asserted its own right of naming the members.

The law of Treason.

Important legislation on the question of trial for high treason was initiated this session, and the Crown was involved in a struggle with the Lords, in which the latter conquered. A bill "for regulating trials in cases of treason and misprision of treason," which had been several times lost in former Parliaments, was again brought into the House of Commons, and in a short time read three times there, and sent up to the Lords for their concurrence. This measure, which mitigated or removed many hardships upon the liberty of the subject, enacted "That all persons indicted for high treason or misprision of it, shall have a copy of the indictment five days before their trial, and shall be admitted to make their defence by counsel learned in the law, not exceeding two. That no person shall be indicted or attainted but by the oaths of two lawful witnesses. That no person shall be prosecuted unless the indictment be found within three years after the offence committed. That all persons indicted shall have copies of the presentment of the jury two days before their trial, and shall have like process to compel their witnesses to appear before them as is, usually granted to witnesses against them." The Lords added the following clause to the bill: "That upon the trial of any peer or peeress for treason or misprision of it, all the peers who have a right to sit and vote in Parliament shall be duly summoned twenty days at least before such trial, and shall not vote without first taking the oaths appointed by the act 1 Will. and Mary and subscribing and repeating the declaration mentioned in the act 30 Car. II." The provision by which the Lords claimed to be tried before the whole body of the peers alone, and not by a commission appointed by the Government, naturally made the aristocracy independent of the Crown party, and it was thought that it would either fail to pass

the House of Commons, or that the King would not give his consent to it; but the current of feeling was too powerful, and William assented to the bill.

Interesting incident.

Whilst the Treason Bill was passing through the Commons, Lord Ashley, afterwards Earl of Shaftesbury, and author of the *Characteristics*, prepared a speech on behalf of the bill, which he intended to deliver in the Lower House, of which he was a member. But when he stood up to speak, the great audience so intimidated him that he lost all memory, and was unable to proceed.[1] The House, after giving him a little time to recover his confusion, called loudly upon him to go on, when he proceeded to this effect: "If I, Sir" (addressing himself to the Speaker), "who rise only to give my opinion on the bill now depending, am so confounded that I am unable to express the least of what I proposed to say, what must the condition of that man be who without any assistance is pleading for his life, and under apprehensions of being deprived of it?" This sudden turn of wit was thought to have been premeditated by some, but such was not the case, and it was of no little service in promoting the fortunes of the bill.

Liberty of the Press.

The freedom of the press was practically established this session. By the Licensing Act of 1662 printing was confined to London, York, and the two Universities, and the number of master printers was limited to the old number of twenty, while all new works were subjected to examination by an officer called the licenser. The harsh provisions of the act were cruelly used by the licenser, Roger L'Estrange, and all London newspapers were stopped except the official *London Gazette* and the *Observator*. The act expired in 1679, but it was revived at the accession of James II., and continued in vogue until now. A committee of the House of Commons again proposed to renew the censorship, and the Government held it to be a grievance that unauthorised journals

[1] This incident will recall Lord Beaconsfield's first appearance in the House of Commons, a century and a half later.

should be permitted to disseminate intelligence. But there was a general tendency in Parliament towards freedom from Government restraint, and especially as touching the independence of the press, and the Lower House negatived the renewal of the censorship. In theory at least the press was henceforth free.

William and the War.

The King gave way to Parliament on all matters of grave domestic import, such as the law, commerce, and the press. His enemies thought that a quarrel between him and the Whigs was inevitable, but William would have made even still further concessions rather than have been thwarted in his darling project, the prosecution of the war. And he soon needed all the support which could be given to him, for French and Jacobite schemes of invasion were rife at this time. The Duke of Berwick took a very prominent part in the unsuccessful plot for a Jacobite insurrection, which was to have been aided by a French force. Several conspirators were hanged at Tyburn; but it is not clear that Berwick was acquainted with the darker schemes of some of the plotters, who aimed at William's assassination.

Safety of the kingdom.

On February 24th, 1696, the King went down to the House of Lords to request the co-operation of Parliament in measures for the common safety, when both Houses immediately assured him that they were resolved to defend him and his government against all foes at home and abroad, and especially against James II. They added the declaration to all the world "that in case your Majesty shall come to any violent death (which God forbid), we will revenge the same upon all your enemies and their adherents." The King thanked the Houses for their assurances, and said he would adventure his life for the preservation of the kingdom.

Energetic measures.

The resolutions passed by the Commons at this time testify to the critical aspect of things. The Habeas Corpus Act was suspended; power was given to the King to secure persons conspiring against his person or government; instructions were issued for the more effectual raising of the militia; it was provided in the

event of the King's death that the Parliament then sitting should not be dissolved thereby, but should continue until the next heir to the crown in succession, according to the late Act of Settlement, should dissolve it; and, finally, his Majesty was memorialised to banish all Papists from London and Westminster and a circuit of ten miles from the same, and to give instructions to the judges going the circuits to put the laws in execution against Papists and nonjurors.

Patriotic Association.

The Commons, as the greatest test of their loyalty, further drew up a form of association, such as marked the Prince of Orange's landing in England, to be subscribed by all the members. There was embodied in the obligations of the association a formal recognition of William III. as right and lawful King of England. In a large House, consisting of about 400 members, there were eighty-nine who refused to subscribe to the declaration, chiefly on the ground urged by Sir Christopher Musgrave, the Tory leader, that the form of words adopted would contradict the earlier resolutions touching the abjuration of James II. The Lords worded their declaration "that his present Majesty King William hath right by law to the crown of these realms." This form, proposed by the Duke of Leeds and carried by 60 to 33, satisfied moderate men of both parties in the Upper House. With very few exceptions, the association was signed by the whole of the people. The bishops likewise drew up a form for the clergy, substantially in agreement with that signed by the House of Lords, and it was so universally signed that not more than a hundred objectors were noted. The King himself joined the association, and most Englishmen now put on orange ribands bearing the inscription, "National Association for King William." The great constitutional questions affecting William's title were thus finally adjusted, and mainly in accordance with the views of the Whigs

Great financial struggle.

In 1696 a severe financial contest was fought out between the Whigs and Tories. A crisis arose in the fortunes of the Bank of England, in consequence of the

CHAP. III. Parliaments of William III.

action of the goldsmiths, who bought up its paper in the hope of destroying the Bank by suddenly presenting it for immediate payment. The directors gained time by referring their antagonists to the law-courts, and meantime the credit of the Bank was restored by extensive calls upon the subscribers. But the Tories were active, and not only succeeded in forming a company to establish a National Land Bank—which was to lend money on landed security—but persuaded Parliament to resolve that the loans required for the next year, amounting to £2,500,000, should be transferred to the new Bank under certain conditions. Harley adopted the new scheme in a modified form, and promised to advance the £2,500,000 to Government at 7 per cent., the interest being secured upon a new tax on salt. The King wanted money, and it really did not much matter to him where it came from. He encouraged the new venture, and headed its list of subscriptions with £500, but the proposed Land Bank proved a complete failure. Its collapse strengthened the Bank of England, to which the Government now turned in its perplexity. The subscribers, in full court, resolved to lend the King the sum of £200,000, which the Earl of Portland had been making strenuous efforts to raise, and with this transaction began the alliance between the Bank of England and the Whig Ministries. Montague extolled the action of the Bank to the King, and his Majesty in his gratitude said it should not be forgotten.

Case of Sir John Fenwick.

The second session of William's third Parliament was opened October 20th, 1696. It was mainly occupied with the proceedings against Sir John Fenwick, a Jacobite closely connected with the English aristocracy. He had been concerned in the conspiracy of 1695, which culminated in the assassination plot of the succeeding year. After his arrest Fenwick offered to disclose all he knew touching the plots; but his confession, while silent about the actual Jacobite plotters, contained much evidence against Marlborough, Godolphin, Russell, and Shrewsbury, who had intrigued on various occasions with the Court of St. Germains. The Duke of Shrewsbury

at once wrote to the King declaring that Fenwick's charges were exaggerated, and William forgave him; but Shrewsbury, fearing a Parliamentary impeachment, and suffering from remorse, withdrew from the King's councils, and retired from London. The Whigs took up the subject. Fenwick proffered a full confession to the King, but, as the latter would not receive it except in the presence of the Archbishop, the Lord Keeper, the Lord Chief Justice, and some others, the prisoner would make no disclosures. His wife, Lady Mary Fenwick (a daughter of the Earl of Carlisle), next succeeded, with the aid of the Tories, in getting one of the two necessary witnesses against her husband out of the country.

Bill of Attainder.

Fenwick was now safe against legal process, but the Whigs brought in a bill of attainder against him. In addition to the count of conspiracy, he was charged with endeavouring to undermine the Government, and the Commons resolved upon punishing this offence. The Tories fought hard against the bill, but it passed the Commons by 189 to 156. The Lords read it a first time without a division; but a violent struggle took place on the second reading, which was ultimately carried by 73 to 53. Still closer was the division on the third reading, when the bill only passed by 68 votes to 61. Bishop Burnet delivered a powerful speech in the Lords in favour of the bill, his main argument being that, in default of other means of proceeding against such a prisoner, recourse must be had in great emergencies to the supreme legislature. A number of peers entered a protest against Fenwick's condemnation, but the King gave his assent to the bill on January 11th, 1697, and on the 28th Sir John Fenwick was beheaded on Tower Hill.[1]

[1] Hallam's view of the Fenwick Attainder Bill is that "it did not, like some other acts of attainder, inflict a punishment beyond the offence, but supplied thedeficiency of legal evidence." Yet while admitting the strength of the arguments and evidence against Fenwick, and endorsing the substantial justice of the sentence, he agrees with those who thought him not important enough to warrant a divergence from the stubborn rules of law in matters of treason.

CHAP. III.
Parliaments of William III.
Financial measures.

The embarrassments in the revenue at this juncture led to the adoption of a series of important financial measures. The King had referred in his speech from the throne to the condition of the coinage and of credit, and to the necessity for making up the deficit in the previous year's money vote. The House of Commons made no scruple in voting the full amount asked for, but instead of raising it by loans, as before, it determined to impose fresh taxes, sufficient to bring in the whole amount required within the twelvemonth. But the matter of the coinage also imperatively demanded adjustment, and an order was issued that the price of coin should depend upon its weight; only for ordinary traffic the price was fixed at a lower level than that which the Treasury would pay were the clipped money taken to it to be recoined. The difference amounted to 10 per cent., and under the stimulus of this premium coin poured into the Treasury in immense quantities. There was also a great delivery of silver coin at the Mint. This happy idea of recoining the currency was so successful that money for the needs of commerce was soon abundant. The grants to the King were secured by the continuance of certain taxes beyond the term for which they were originally voted. To mitigate the disastrous failure of the Land Bank, and to raise the £2,500,000 which it had failed to provide, the privileges of the Bank of England were extended. Its patent was prolonged till 1710, and it was not to be abolished after that date without a year's notice; no rival bank was to be permitted; the Bank's capital was allowed to be raised by new subscriptions from three millions to five—four-fifths of the sum to be paid in Exchequer bills, and the remainder in notes. The country sustained Parliament by cheerfully bearing the burdens for the year, which consisted of a poll-tax, and an income tax which in some circumstances rose to no less than 15 per cent. The credit for these wise financial measures was almost wholly due to the Chancellor, Montague, whose brilliant success was envied by his opponents in Parliament. The Whigs, as a party,

also reaped great benefit from their adoption; and their financial policy generally strengthened the Whigs with the nation.

Treaty of Ryswick.

The European conflict, which had been waged for eight years, was terminated by the Treaty of Ryswick, concluded September 10th, 1697, between France and the Allied Powers. James II. in vain sought representation at the conferences. France agreed to acknowledge William as King of England, and Anne as his successor, and to withdraw all assistance from James. France also restored all towns captured since the Treaty of Nimeguen (with the exception of Strasburg) together with Freiburg, Breisach, Philipsburg, and the French fortifications on the right bank of the Rhine. The Duke of Lorraine received back his dominions; the Elector of Cologne was recognised; and the rights of the Duchess of Orleans upon the Palatinate were compromised for money. At last the despised Prince of Orange had become a great sovereign, and the position he had won for himself by his energy, courage, and marvellous perseverance was fully recognised by the mightiest of European monarchs.

Home difficulties.

But while the Peace of Ryswick assured William's standing abroad, and indeed paved the way for his becoming the arbiter of Europe, at home his position soon became less stable than it had been before the conclusion of the Treaty. The vast majority of the people and of the members of both Houses of Parliament were undoubtedly content with the stipulations, but questions began to be mooted which caused a good deal of friction between the King and the nation.

Parliament in 1697-8.

Parliament assembled for its third session on December 3rd, 1697. In his opening speech, the King stated that there was a debt in connection with the services, and as the revenues of the Crown had been anticipated with his consent for public uses, he was wholly destitute of means to support the Civil List. It was necessary to maintain the land forces, so as to prevent the enemy from obtaining, under the cloak of peace, what they had failed

CHAP. III. Parliaments of William III.

to achieve in war. "In conclusion," he said, "as I have, with the hazard of everything, rescued your religion, laws, and liberties, when they were in the extremest danger, so I shall place the glory of my reign in preserving them entire, and leaving them so to posterity." The Commons, in their address, congratulated his Majesty upon holding in his hands the balance of Europe, and upon having fully completed the glorious work of the nation's deliverance. Nothing was said on the all-important subject of the disbandment of the army, but action was soon taken.

Disbandment of the Army.

On the question whether supply or the consideration of the King's speech should be taken first, Ministers only carried supply as the first order of business by 156 to 153 votes, although Montague had pleaded that all the public funds were exhausted and the Treasury empty. Then the disbandment of the army was brought forward by Harley, leader of the moderate Tory party, who moved that all the land forces raised since September 26th, 1680, should be paid off and disbanded. The friends of the King and his government, including Montague, Littleton, and Wharton, argued that the nation was still unsettled, and not quite delivered from the fear of King James, whose protector, the King of France, was as formidable as ever. The House passed the vote for disbandment, following it up by a resolution regulating the militia, and another decreeing that 10,000 men were necessary for a summer and winter guard at sea for the year 1698. The King felt most keenly the disbandment of the army, and exclaimed that Parliament had accomplished a feat which France had striven in vain to achieve for eight years. Thus, in spite of the Whig Ministry and the Whig influences in Parliament, the Court was defeated. There were some matters, including a standing army, upon which the Government could never rely on a strict party vote.

William parts with Sunderland.

A movement was now initiated against the Earl of Sunderland, that pliable statesman who had assiduously served two masters—James II. and William III. He held high office, and was powerful in the Privy Council,

but he found it extremely difficult to control the various sections of the Whig party. A motion was made to request the King to dismiss Sunderland, but it was not taken up with spirit by the Tories, and fell through. Nevertheless, feeling his position to be intolerable, Sunderland asked the King to dismiss him, which was done after much demur. Parliament thus achieved its end.

The Civil List.

The House of Commons, however, acted generously over the Civil List, fixing it at £700,000, notwithstanding the determined efforts of Seymour and Musgrave to keep it at £600,000. It was felt that besides owing a great debt of gratitude to the King, he would soon have to provide for the young Duke of Gloucester, the heir presumptive, as well as to meet other claims.

Collision between the Houses.

A collision occurred between the two Houses in a matter arising out of the Exchequer bills, which had been devised by the Chancellor of the Exchequer, and were of signal service in supplying the scarcity of money during the recoining of the silver specie. Several of the Exchequer, Customs, and Excise officers contrived together to get large sums of money by false endorsements on these Exchequer bills, before they had circulated or been brought into any branch of his Majesty's revenue. The most considerable persons who carried on this unwarrantable practice were Mr. John Knight, treasurer of the customs, and Mr. Charles Duncombe, receiver-general of the excise, Montague's chief opponent. Both were members of the House of Commons. They were first expelled the House, and committed prisoners to the Tower; and bills were then brought in to punish them and other offenders. The bill against Duncombe imposed a fine of nearly half his estate, which was estimated at the enormous value of £400,000. It rapidly passed the Commons, but being sent up to the Lords, their lordships were equally divided upon it, when the Duke of Leeds gave his casting vote for rejecting the bill. It was then reported that Duncombe gave up a portion of his wealth, and he was set at liberty by order of the House of Lords without the consent of the Commons.

CHAP. III. Parliaments of William III.

The latter were exasperated to that degree that they caused Duncombe to be remanded to the Tower, where he continued till the end of the session.

The East India companies.

The monopoly of the East India Company came up for consideration this session. Vigorous, though unsuccessful, attempts were made to prevent the renewal of the company's charter; but Montague succeeded in establishing a new or rival company in the Whig interest, known as the General East India Company, or English Company. For some years past there had been a dispute between the original company and the interlopers, the former asserting that it suffered from the insecurity of its patent and the competition of the new-comers. The Tories supported the prerogative of the old, and the Whigs championed the rights of the new company. The Free-traders, on the other hand, claimed—and the claim had been admitted—that all subjects had an equal right to trade with the East Indies, unless some limitation were imposed by Parliament. The monopoly had been kept up by bribes, in which several leading Tory statesmen were implicated. In May, 1698, Sir John Fleet, chairman of the old company, brought forward a motion in Parliament for enlarging the capital of the company by new subscriptions to £1,500,000, and securing it in possession of all its privileges for thirty-one years, in return for which it engaged to take up a loan of £700,000. The Whigs opposed this, and Montague proposed instead the establishment of a new company, which should undertake a loan of £2,000,000, and receive from Parliament in return the exclusive right of trading with the East Indies. The fact was, England being in the throes of a financial crisis, the Chancellor was anxious to extricate her by the best means possible, and there seemed nothing for it but the placing of further burdens upon an already overtaxed community.

The new scheme.

The House of Commons agreed generally with Montague's proposals, and asserted its power of disposing of the right to trade with the East Indies. The old company was not shelved altogether. It was allowed

three years in which to wind up its affairs, and was permitted to take part as a corporation in the new company, which was ultimately and permanently to take the place of the old. This was the only grace the first company could obtain; and the Lords sanctioned the action of the Commons, notwithstanding the opposition of the Duke of Leeds. As permission was given to all classes of corporations to subscribe, the old company protected itself as well as it could by becoming the largest subscriber to the new venture, in order to control its fortunes as far as possible. As this policy opened an effectual door to financial relief, the King gave way on the question of his royal prerogative, which was involved in the legislation of the Commons, and he even sought to further the interests of the new company.

Work of William's third Parliament.

Parliament was prorogued on July 5th, and dissolved two days later. This third Parliament of William III. had achieved great things during its existence of three years. The whole money of England had been recoined, the King secured in his government, an honourable peace concluded, public credit restored, and the payment of public debts placed on a firm basis. The chief conduct of affairs now lay in few hands. Lord Somers was most eminent in the House of Lords, and Montague gained such ascendency in the Commons that he gave the law to all the rest. The fleet was under the management of Russell, now Earl of Orford, who was both Treasurer of the Navy and head of the Admiralty. In July the King embarked for Holland, but before leaving he gave orders that a far larger number of men should be retained than Parliament had voted, justifying his action on the ground that the country must be properly defended in the event of a vacancy to the Spanish throne. During William's stay on the Continent the first Partition Treaty was concluded between England, France, and Holland. By this treaty France consented to resign all claims upon Spain, the Indies, and the Netherlands, in favour of the Electoral Prince of Bavaria; and as the latter was still a child, it was

CHAP. III. Parliaments of William III.

agreed that his father should be regent of Spain during his minority.

The Elections.

The elections to the new Parliament caused the Government deep concern. In Westminster Sir Harry Colt, taking as his motto, "No courtiers, no inventors of taxes!" closely pushed Chancellor Montague and Secretary Vernon, and in other places Opposition candidates were returned. There were many new members whose political views were unknown. Both sides, however, suffered at the polls; and while the official Whigs—that is, the thick-and-thin supporters of the Ministry—were in a minority, many influential members of the Opposition also lost their seats. It was clearly apparent that the continued dominance of the Whigs would depend upon the manner in which public business was conducted.

New Parliament opened.

The King returned to England on December 3rd, 1698, and on the 6th the first session of his fourth Parliament began at Westminster. The leading Whigs at once tried their strength by proposing Sir Thomas Littleton as Speaker, and although the Opposition would have preferred Foley or Grenville, Littleton was elected on the first division by a large majority. The King's speech, drawn up by Somers, set forth two important things for consideration, namely, what strength ought to be maintained at sea and what force kept up on land. It also desired progress to be made in discharging the public debts. Trade and prosperity depended upon the maintenance of England's influence in Europe.

Disbandment of the Army.

The new Parliament, however, detested the idea of a burdensome army as much as the old, and it postponed supply to a consideration of the reduction of the forces. The question was regarded as so important that all absent members were expressly summoned to attend on December 16th, when the House went into committee. Ministers were powerless against the general feeling, and it was resolved that all the land forces in England, with the exception of seven thousand English-born troops, should be forthwith paid off and disbanded, and that

only twelve thousand men should be allowed to remain in Ireland. The King's Dutch regiment of guards was thus to be sent out of the kingdom. William was greatly chagrined both at the step itself and the supine attitude of his Ministers. He could clearly perceive, he said, that he would be driven to extreme measures, and even prepared the draft of a speech in which he was determined to express to Parliament his intention of withdrawing himself from England. Had he fulfilled his threat, it is impossible to see into what grave difficulties the country might not have been plunged. In the Lords the bill for disbanding the troops was condemned by Marlborough and others, but the peers did not venture to reject the measure. The King reluctantly gave his assent to the bill on February 1st. Once more, however, he made an effort to preserve his Dutch guards, but the Commons drew up an address stating the reasons why the King's request could not be complied with. Although William regarded this as impertinent, he was obliged to give way. Backed by the country, which generally was in favour of dismissing the troops, the extreme Whigs and Tories combined, and Ministers were powerless before such a coalition.

Navy irregularities, etc.

An address was next presented on the irregularities which prevailed in the management of the navy, and Lord Orford, against whom the address was levelled, resigned his important posts. He had rendered signal services to his country, and, although he had received presents from the States which he had protected, the English fleet had never been better cared for or provided for than while under his command. The Commons now declared the naturalised French refugees, who had supported Montague at the elections, incapable of holding any civil or military post; and at the same time threw out a proposal for disfranchising those who had been lukewarm in acknowledging the King.

Prorogation of Parliament.

The King prorogued Parliament on May 4th, 1699, evidently dissatisfied with the work of the session. In addition to seriously curtailing his military authority, the

CHAP. III. Parliaments of William III.

Commons had scarcely voted one half the sums given him in previous years. He had looked for unanimity and despatch, and hoped that no public inconveniences would be felt during the recess. Various Court and Ministerial changes now occurred. Bentinck, Earl of Portland, long William's chosen friend, resigned the post of Chamberlain, mainly owing to the growing favour of his rival, Keppel, Earl of Albemarle, with the King. More important still was the resignation of Montague, who was unable longer to contend against the Tory animosity. He was succeeded as Chancellor of the Exchequer by his friend Smith, a more pliable man and a fluent speaker. The changes in the administration, however, did not answer the King's expectation by smoothing the current of public business, though Somers as Lord Chancellor was still a tower of strength. It was the great object of Somers to reconcile the monarchical power with constitutional liberties, and no Chancellor had hitherto commanded such universal confidence in the City, though attacks began to be made upon him within the walls of Parliament.

Ministerial changes.

The King and the Commons.

In opening the second session of his fourth Parliament on November 16th, the King observed that the common security required a further provision for the safety of the kingdom by sea and land. It was also necessary to make good the deficiencies in the funds, and to discharge the debts contracted by reason of the war. He then drew attention to the question of the maintenance of the poor and the desirability of finding labour for the unemployed. Although there was considerable tension in the country owing to the previous attitude of the King, and certain utterances of the Judges against the House of Commons, William carefully avoided all controversial topics. But in their address the Commons dwelt upon the necessity for entire mutual confidence between King and Parliament, and as the House had amply provided for the security of the King and the nation, they called upon his Majesty to show marks of his high displeasure towards all persons who had presumed or should presume to

misrepresent their proceedings to him. The King replied that there had been no such intermeddling persons, or they would have immediately felt the highest marks of his displeasure. He also said that the happiness of an English king depended upon an entirely good correspondence between him and his Parliament.

Address against Somers.

But the Commons would not rest content with these general assurances. They moved an Address against Lord Chancellor Somers, both as the most powerful of Ministers and the inspirer of the offending Judges. He was assailed for complicity in the piracies of Captain Kidd, because he had given Kidd a patent for the suppression of piracy in the East Indies and had subscribed to the expedition. It was complained that Kidd was nothing better than a pirate himself, and that his patent provided that all goods brought in by him were to belong to those who had equipped him, of whom the Lord Chancellor was one. This was held to be illegal, and the old East India Company, which asserted that its trade had been ruined by Kidd, pressed forward its grievances, with the aid of many prominent Tories in Parliament. But as, in addition to the Whig Chancellor, such important men as Shrewsbury, Orford, Rumney, and Bellamont were implicated, and as the jurists were on the side of Somers, the House of Commons decided that the patent was legal, though there was a considerable minority against this.

Irish forfeited estates.

Another and a more important difficulty arose out of the Irish forfeited estates. The right to dispose of them had been in dispute since 1690. The King claimed the power of disposing of them as he pleased, but the Commons held that they ought to be applied in making good the war charges incurred in subduing the island, and certainly that the confiscated lands ought not to be distributed amongst courtiers, nor, above all, given to foreigners. Loud complaints were heard as to the actual disposition of a large portion of these lands by William amongst his friends and generals—Bentinck, Keppel, Ginkell, etc. Commissioners were appointed to

CHAP. III. Parliaments of William III.

take an account of the forfeited estates, and these went over to Ireland for the purpose. The matter gave great umbrage to the King; but the commissioners proceeded with their task, and on its completion prepared a report, which was laid before Parliament on December 15th, 1699. Thereupon the Lower House resolved that a bill should be brought in to apply all the forfeited estates and interests in Ireland and all grants thereof, and the rents and revenues belonging to the Crown within that kingdom since the day of William III.'s accession—February 13th, 1688—to the use of the public; and a clause was ordered to be inserted in the bill for erecting a judicature for determining claims touching the said forfeited estates. The feeling was so strong against the grants generally that even men like Montague, who had participated in them, voted for their withdrawal.

Party recriminations.

When the second reading of the bill dealing with the estates came on—January 18th, 1700—Ministers, acting reluctantly upon the King's wish, proposed a clause dividing the vacant properties into three parts, one being reserved for the King, one for the army, and one for the English nation. It met with such resistance, however, that its introducers did not venture to take a formal division upon it, and the idea was abandoned. But the matter was not permitted to rest here. The Commons passed a resolution to the effect that, by their advice and co-operation in these alienations, Ministers had burdened the nation with debts and taxes, had even stained the King's honour, and that their course had exhibited a grave dereliction of duty. The Whigs were alarmed at the prospect of their denunciation by the nation, and tried to prove that Tories like Godolphin and Seymour had also been concerned in the alienations. A deputation from the Commons laid the resolution before the King.

King and Commons claim the estates.

In his answer William not only asserted his right to the forfeited estates, but pointed out that the House might have been better employed in devising other means for the reduction of the debt than by recalling

the royal grants. The Commons were furious, and after a heated discussion passed a resolution that whosoever advised the King's answer had used his utmost endeavours to create misunderstanding and jealousy between the King and his people. Parliament was thus in antagonism with both the sovereign and his Ministers. But it adhered to its claim over the confiscated estates, and when at a later stage it voluntarily inserted some grants in the bill, it only thereby further accentuated its constitutional right and authority; and it was supported in its action by the vast majority of the nation, who naturally looked for a diminution of the public burdens by the resumption of the forfeited lands.

The Lords and the Bill.

Unable to contend against the feeling in the Commons, the Whigs looked for support to the House of Lords. The Forfeited Estates Bill was designedly tacked by the Commons to the Landed Tax Bill, in the belief that the peers would not dare to reject a money bill. The Lords complained of the compulsion thus put upon them, but passed the second reading. In committee, however, the Whig peers brought forward several amendments. Wharton was the chief spokesman, but the Duke of Devonshire openly declared that the bill broke down the barriers between Crown and people, and that he would never consent to it. But there were other firm friends of the King who were for passing the bill. Bishop Burnet was the most influential of these, and he said he was "willing to venture his Majesty's displeasure rather than please him in that which he feared would be the ruin of his government." Afterwards, when the Bishop grasped the working of the bill, he declared that if he had understood the matter in time he would never have given his vote for it. He also determined "never to consent again to any tack to a money bill as long as he lived."

The Commons are victorious.

The Lords ultimately adopted the amendments, but this only made the Commons the more resolute. Most of the leading men, including Harley, Seymour, and Musgrave, declared against the changes, and declined under the circumstances to proceed to vote the supplies. This

CHAP. III. Parliaments of William III.

determination brought things to a crisis, but although the attitude of the Commons imperilled the pay of the services, for a time the Lords would not give way. Then the King was appealed to—as some thought, by Sunderland—and the Commons were victorious in the struggle. The Upper House agreed, by 39 votes to 34, to pass the bill without any amendments. Twenty-two peers formally dissented, and published their reasons for so doing.

Dissolution.

The passing of this bill carried with it the overthrow of the Whigs who had opposed it. The House of Commons attacked Somers, and failing to carry an address for his removal from the King's councils, contented itself with one calling for the removal of all foreigners therefrom, except Prince George of Denmark. This address was aimed at Albemarle, Portland having already resigned. The King would not receive it, but on April 11th went down to Westminster, signed the bills laid before him, and, without vouchsafing a word to the House, commanded the Earl of Bridgewater to prorogue the Parliament to May 23rd. It was afterwards dissolved on December 19th, and a new one called to meet on February 6th ensuing. On April 17th the King commanded the Lord Chancellor to give up the seals, which he had declined to do voluntarily, lest the act should be construed as one of guilt or fear. Montague was raised to the peerage under the title of Lord Halifax. The party leaders in Parliament were now stronger than the King, and William further somewhat suffered in popularity by his continued visits to the Continent in times of peace.

Party changes.

Succession question.

While he was abroad this year, a succession question of moment arose. The young Duke of Gloucester, son of the Princess Anne, and who had been regarded as heir-presumptive to the throne after his mother, died suddenly on July 30th, 1700. The hopes of the Jacobites revived, but they were not placed so much on the unpopular James as upon the Prince of Wales, whom most of the party now acknowledged to be the rightful and legitimate heir to the throne. William favoured the

claims of the children of the deceased Henrietta, Duchess of Savoy, the lovely and accomplished sister of Charles II. But a more powerful candidate sprang up in the Princess Sophia, Electress of Hanover. Though far removed from any hereditary title, this Protestant princess was in every other respect the fittest object of the nation's preference. Her only claim in blood was that she was the granddaughter of James I. The Princess herself, however, favoured the Prince of Wales, whose claims she foresaw might become formidable.

Second Partition Treaty.

But while the succession question was pending, European affairs once more came into great prominence. The death of the Electoral Prince of Bavaria led to the second Partition Treaty, concluded March 13th, 1700, between France, England, and Holland. Under this further attempt to settle the Spanish succession, the Archduke Charles of Austria was to be king of the greater part of the Spanish dominions. France was to receive Guipuzçoa, in the north of Spain, and the two Sicilies, together with Milan, which was to be exchanged for the duchy of Lorraine. Spain, the Indies, and the Netherlands were to pass to the Archduke Charles. Louis was insincere, and the new King of Spain, who was then in a critical condition, was easily induced to declare the Duke of Anjou, a son of the Dauphin, heir to the whole of his dominions. The King of Spain died in November, and Louis accepted the Spanish inheritance for his grandson, in complete disregard of the treaties. The whole of the arrangements were extremely unpopular in England.

The Elections.

Such was the situation at home and abroad at the close of the year 1700. It was in December that the King resolved upon the dissolution of Parliament, for he saw it was hopeless to expect to arrive at a good understanding with the existing House of Commons, which was now, moreover, in the last year of its legal existence. The elections to the new Parliament were carried on amidst great excitement. So eager were men to enter the House of Commons, that there were reported

CHAP. III. Parliaments of William III.

to be five candidates for every seat. One of the East India companies supported the Whigs, the other the Tories. Godolphin was now First Lord of the Treasury, and Rochester held high office ; but the Tory party were not satisfied with the efforts of the new Ministers, which they described as lukewarm and ineffective. Country gentlemen were for the most part returned in the counties, and capitalists in the boroughs.

Parliament of 1701.

The new House of Commons met on the day appointed, February 6th, 1701, and on the 11th proceeded to the election of a Speaker. The choice fell on Mr. Robert Harley, of Presbyterian antecedents, but his singular ability and dexterity gave him a powerful sway over both the High Church party and the Dissenters. The King advised Sir Thomas Littleton to give way to him, and Sir Thomas absented himself from the House on the day of election. Harley and Sir Richard Onslow were proposed, but the former was successful, obtaining 249 votes against 125 in the negative.

Pressing questions.

The King's speech left no doubt of the necessity both for settling the English succession, and taking measures for the preservation of the Protestant religion and the peace of Europe. William's reading of French designs and diplomacy was speedily confirmed and justified, for when it was found impossible, without the actual outbreak of a war for which the allies were not prepared, to maintain the Dutch garrisons in the Spanish Netherlands, the French troops marched into the garrisons on the very day of the assembling of the English Parliament. This step gave Louis an enormous advantage, for in the event of a conflict Holland was laid completely open to his attack. The French king had likewise designs against the foreign trade of England and Holland, and this commercial rivalry, as well as his high-handed conduct in the Netherlands, caused great commotion in England.

Attitude of the Commons.

The House of Commons spent a good deal of time in investigating charges of bribery at elections. The old East India Company had long bought members, but

the new East India Company now did the same. Justice was visited upon many offenders, but not without partiality, for "that which was voted corruption in the Whigs was called giving of alms in the Tories." This business being disposed of, on the 14th the House passed the following resolution, though only by 181 votes to 160: "That they would stand by and support his Majesty and his Government, and take such effectual measures as may best conduce to the interest and safety of England, the preservation of the Protestant religion, and the peace of Europe." But war was not believed to be a near contingency by the majority. The main objects were to avoid a breach with Spain and to effect a settlement of various home questions. It is true the partition treaties were attacked, and a motion was carried requesting the King to lay before the House all treaties concluded with foreign Powers since the late Peace; but these incidents only signified the intention of the House generally not to lose sight of British interests. The Commons did not as yet, as the King did, grasp the far-reaching and ulterior views of Louis XIV. concerning the Spanish succession; but not long hence they were destined to have convincing proofs of William's prescience.

Stuart plottings.

Meanwhile only a few days elapsed before evidence was furnished of the activity of the Stuarts. A letter written by the Earl of Melfort to the Earl of Perth, then governor to the alleged Prince of Wales, accidentally fell into King William's hands. This letter contained a proposal for the revival, with French aid, of James II.'s plan of invasion which had proved abortive in 1696. The Government laid the letter before both Houses of Parliament on February 17th, and it caused considerable commotion. The Houses hastened to assure the King of their loyalty and devotion, and at once began to take steps for the security of the throne. The Lower House likewise promised the King its co-operation in carrying out the alliance between England and the States-General; and, with the united consent of Whigs and Tories, William was authorised to enter into negotia-

tions with the double object of securing the general safety of the British kingdoms and of the States-General, and the peace of Europe.

The Act of Settlement.

The House of Commons also at once addressed itself to the question of the Protestant succession in England. A committee was appointed to draw up resolutions touching the limitation and succession of the crown in the Protestant line after the King's death. On March 12th the resolutions were reported to the House, and a bill founded upon them was brought in, which speedily passed through Parliament and became law. This final Act of Settlement vested the reversion of the crown in Sophia, Electress of Hanover, who was chosen for her Protestantism. All hereditary questions were set aside for the sake of basing the national Protestant faith upon a durable foundation. The Act of Settlement included eight provisions which were not contained in the Declaration of Right. These provisions were to the following effect: (1) that all who should hereafter wear the crown should be in communion with the Church of England; (2) that the nation should not without consent of Parliament engage in a war to defend any territory not belonging to the English crown; (3) that the sovereign should not without consent of Parliament go out of the British islands; (4) that matters cognisable in the Privy Council should be transacted there, and resolutions should be signed by the advising members; (5) that no foreigner should be permitted to sit in the Privy Council, or in either House of Parliament, or to hold any place or receive any grant from the Crown; (6) that no place-holder or pensioner should be a member of the Commons; (7) that the judges should hold office for life or good conduct at a fixed rate of salary, and should be removable only by both Houses of Parliament; (8) that no pardon under the Great Seal of England should be pleadable to an impeachment by the Commons in Parliament.

Its provisions.

The debates in connection with the Act of Settlement were led by Harley, and the articles, while bearing a Tory impress, were in the main such as most Englishmen

at the time felt to be necessary for the future welfare of England. The first provision sprang out of the national Protestantism. The second caused frequent discussion during the reign of George II. with regard to the defence of Hanover, and a full solution of the difficulty was not arrived at until the accession of Queen Victoria, when Hanover was separated from the English crown. The third article was repealed soon after the accession of George I. The fourth, a much more important one from the practical point of view, aimed at the subordination of the Cabinet, which had begun to exercise far more power than the Privy Council. The signature of the Privy Councillor was adopted as a means of obviating the irresponsibility of the Cabinet Minister. The article was also a protest against the Partition Treaty, which had been concluded by Portland and Somers, without consulting the Cabinet or other State officials. It was repealed in 1705. The fifth article was aimed against Portland and Albemarle, and while it had a beneficial effect in the reign of George I. it was of much too sweeping a character, and, after being modified, was finally repealed by the Naturalisation Act of 7th and 8th Victoria. The sixth article would have perpetually banished Ministers from Parliament had it remained in force, and would thus have completely severed the executive from the legislative body. The article was revised in 1705, and provision made for a new election when any member accepted an office under the Crown. The seventh article was subsequently enlarged by the exclusion of judges from Parliament.

The second Partition Treaty.

Agitated debates arose in the House of Commons respecting the second Partition Treaty. The King was reproached for having only given verbal instructions to its negotiators, and the contents of the instrument were fiercely assailed. It was even said that "since the compact between King John and the Pope, by which he received back his kingdom as a papal fief, it was the worst treaty that had ever been concluded, the most ruinous for England, the most disastrous for Europe."

CHAP. III. Parliaments of William III.

The Privy Council had never been properly consulted about it, and the Duke of Devonshire, whose opinion carried great weight, declared that "those who had taken part in this business ought to answer for it with their heads." In the Lords, Rochester and Godolphin, the leading Tory Ministers, made no defence of the earlier proceedings of the Government, and the Upper House carried an address to the King complaining both of the treaty, and of the manner in which it had been effected. On the motion of Lord Wharton, an addition was made to the Address to the effect that, whereas the French king had broken that treaty, they should advise his Majesty to treat no more with him or rely on his word without a real security. William replied that the Address contained matter of very great moment, and he promised always to take care that all treaties he made should be for the honour and safety of England.

Impeachment of Whig leaders.

The House of Commons carried their dissatisfaction with the treaty much further. As the instrument would have allowed large possessions to fall into the hands of the King of France, and as it had been negotiated while Parliament was sitting without being laid before the Houses, their indignation was perhaps natural. The King was attacked with great bitterness, and the Commons then proceeded to impeach the Earl of Portland. Next, by a majority of 198 to 188, they carried this resolution: "That John Lord Somers, by advising his Majesty in the year 1698 to the treaty for partition of the Spanish monarchy, whereby large territories of the King of Spain's dominions were to be delivered up to France, is guilty of a high crime and misdemeanour." Mr. Simon Harcourt was ordered to go up to the Lords and impeach him. This resolution, it will be seen, referred to the first Partition Treaty, and Somers's offence was that he had been induced to legalise its acceptance by a commission granted to persons whose names had been left blank. Even the admirers of Somers felt that they could not justify this commission. The matter was therefore pushed with great vigour by his antagonists.

Somers had been unable to ward off the attack by personally appearing before Parliament on April 14th, 1701, when he declared that he had never had anything in view but the honour and profit of England. Even at the time, he said, he had objected to the treaty, but the King urged that it was then impossible to make any alteration in it, and that it could not be concluded except under the conditions stated. How then could he venture to make himself the cause of the failure of so important and urgent a treaty? But the Tory majority of the House of Commons resolved to proceed against him for grave offence and dereliction of duty in connection with the treaty of 1698. The House likewise ordered the impeachment of Russell, Lord Orford, by 193 to 148 votes, and that of Montague, Lord Halifax, by 186 to 163. In their efforts to crush the Whig leaders, the Commons further requested the King to exclude from his councils for ever the four noblemen Somers, Portland, Orford, and Halifax. It was manifest by these proceedings that the Lower House was resolved upon establishing two principles: that of its right to participate in the making of treaties and that of making the holding of offices contingent upon its will and pleasure.

Action of the Lords.

But the Upper House, in which the Whigs were as strong as the Tories, now proceeded to checkmate the Commons. Strengthened by the support of the bishops, the Whigs carried an address to the King, in direct opposition to that of the Commons, praying his Majesty not to pass any censure upon the four lords until they had been tried upon the impeachments, and judgment given according to the usage of Parliament and the laws of the land. The King made no response to this, but in reply to the Commons' Address praying for the dismissal of the impeached noblemen he said, "You may depend upon it that I will employ none in my service but such as shall be thought most likely to improve that mutual trust and confidence between us which is so necessary in this conjuncture, both for our own security, and the defence and preservation of our Allies." This

CHAP. III. Parliaments of William III.

was not all the Tories hoped to obtain, but they were fain to put up with it.

Public feeling for the King.

But outside Parliament there was a growing feeling in favour of the King. The people now distrusted the pacific policy of the Tories, and thought that even peace might be bought too dearly. The violent proceedings of the Commons in the matter of the impeachments, and their slowness with regard to foreign affairs, greatly displeased the city of London, and indeed the nation generally. It was felt that the ruin of trade, and even of the nation itself, must ensue if once France and Spain were firmly united, and William were hampered in his foreign policy. Public opinion consequently found expression in the famous Kentish Petition, which was presented to the House of Commons on May 8th. This petition was drawn up by William Colepepper, Chairman of the Quarter Sessions at Maidstone, and signed by the deputy lieutenants, about twenty justices of the peace, and a large number of freeholders. It prayed that there should be no pretence whatever for a misunderstanding "or the least distrust of his most sacred Majesty, whose great actions for this nation are writ in the hearts of his subjects, and can never, without the blackest ingratitude, be forgot. We most humbly implore this honourable House to have regard to the voice of the people, that our religion and safety may be effectually provided for, that your loyal addresses may be turned into bills of supply, and that his most sacred Majesty (whose propitious and unblemished reign over us we pray God long to continue) may be enabled powerfully to assist his Allies before it is too late."

The Kentish Petition.

Proceedings against the petitioners.

This petition formed a historical turning-point; but the House of Commons was furious at the idea of one county setting itself up as the exponent of the wisdom of the whole nation, and it also resented the indirect way in which the petition had first been brought under its notice. The petitioners were only able to get their document presented at all on condition that they would avow their deed. Then Seymour and Howe vigorously

denounced them. "Double war taxes ought to be imposed on them, their goods seized, and an example made of them, how many soever they might be." The House declared the petition "scandalous, insolent, and seditious, tending to destroy the constitution of Parliament and to subvert the established government of these realms." The most prominent authors of the petition were ordered into the custody of the Serjeant-at-arms. But public opinion was in favour of the petitioners, and although there was no attempt to contest the powers of the House by *habeas corpus* or other legal means, the action of the Commons was widely canvassed and condemned as arbitrary. "The health of the five" prisoners became quite a popular toast, and their names were invoked everywhere as the champions of the people's rights.

The "Legion Memorial."

Nor did the matter end here. A Whig pamphlet known as the *Legion Memorial* was sent to the Speaker, with a request that he would communicate it to the House. Daniel Defoe was the alleged author of this memorial, which expressed the public disgust at the treatment by the Commons of the Kentish petitioners. Penned "in the name of the gentlemen, freeholders, and many thousands of the good people of England," the memorial claimed that the freeholders were masters of the House, and cited a long list of errors, including the impeachment of the former Ministers and the unworthy treatment of the King. John Howe, the principal speaker against the Kentish Petition, was described as an insolent fellow, who ought to be ejected from Parliament. Notwithstanding its intemperate language, the memorial accurately reflected the temper of a large portion of the population, and while the Whigs hailed it with delight, the rage of the Tories over it was unbounded. A proposal made in the Common Council of the City of London to present to Parliament a petition of similar import was only lost by one vote.

Parliament and the country

It was a remarkable thing that, while the House of Commons, which is supposed to represent the people, was now at variance with the nation, the popular sen-

CHAP. III. Parliaments of William III.

timent ranged itself with the King and the House of Lords in the matter of the impeached lords. Speaking collectively, the Tories and Anglicans were acting together on the one side, and the Whigs and Presbyterians on the other. Differences with respect to the methods of procedure under the impeachments arose between the two Houses, and numerous conferences ensued. Answers were made by the incriminated parties, and arguments heard, but finally the impeachments fell through owing to divergences upon a constitutional point. The Lords claimed the right to fix a time for the trials, and appointed it accordingly, but the Commons failed to appear on the day named. On June 17th the peers pronounced a verdict of acquittal in Somers's case by 56 votes to 31. The Commons remonstrated, and refused to appear at the trial of the Earl of Orford, who was thereupon honourably acquitted. Subsequently the impeachments against Lords Haversham, Portland, and Halifax were dismissed, as was also an old impeachment against the Duke of Leeds.

Unanimity against France

There was now a considerable Whig reaction apparent, but the Tories were not altogether cast down, and perceiving the critical condition of affairs abroad, they fell in with the King's views, and were prepared even to fight if needs be, as auxiliaries, for Holland. The Commons concurred with the Lords in their decision to put the King in a position to support his Allies in maintaining the liberties of Europe, and they were ready to grant aid to the States-General. Such was the position when on June 24th William went to the House of Lords to close the session. He thought it best to terminate the difficulty touching the impeachments, as well as other disputes caused over a bill for examining the public accounts, by putting an end to the sittings. Parliament was accordingly prorogued until August 7th.

The second Grand Alliance.

The King went over to Holland during the recess, and on September 7th the second Grand Alliance was concluded at the Hague between England, Holland, and the Empire. By this treaty it was agreed to compensate the

Emperor for the loss of Spain, and to provide for the security of England and Holland. The alliance was afterwards joined by Prussia and other European Powers.

Death of James II.

At this juncture James II. lay seriously ill at St. Germains, and he died there on September 16th. Louis XIV. acknowledged his son under the title of James III., and the Pretender was proclaimed King of England, Scotland, and Ireland at St. Germains, the French monarch paying him a formal visit. William thereupon recalled his ambassador, and war became inevitable.

Proclamation of the Pretender.

The proclamation of the Pretender excited hostile manifestations in England. When William returned from the Continent early in November, the first thing that fell under debate was whether the Parliament should be continued or dissolved, and a new one called. Addresses poured in upon the King praying him to dissolve it, for if the land was to be saved "from Popery and slavery, men should be sent to Parliament who would be thoroughly determined to stand by him." Sunderland and Somers were both of opinion that no risk would be run by a dissolution, for even if a Tory Parliament were returned it would not venture in the state of popular feeling to do anything against the King.

The Dissolution and the Elections.

William put the matter before his Privy Council. The Tories opposed a dissolution, and Godolphin threatened to resign if that policy were adopted. There was a small majority, however, even in the Privy Council, in favour of a dissolution, and on November 11th the proclamation was issued. The new Parliament was summoned to meet at Westminster on December 30th. The occasion was so critical that both sides exerted their full strength at the elections. The commercial interests were universally in favour of war. The ultra-Whigs and the Jacobites were the political sections which suffered. Among notable candidates returned was Sir Isaac Newton, elected for Cambridge as a moderate Whig. The attitude of the East India Companies was of considerable importance, and on December 24th these hostile corporations came to a compromise and decided to coalesce. After the

CHAP. III. Parliaments of William III.

elections were completed, it was found that both parties were almost equally represented, but while the Whigs had the advantage as regards wealth, the Tories had the monopoly as regards intellect. On the whole, the new House of Commons gave a clear majority in favour of the King's interests.

William's last Parliament.

The first session of the sixth and last Parliament of William III. opened on December 30th, 1701. In the Commons Mr. Harley was elected Speaker over Sir Thomas Littleton by a majority of fourteen votes, although the King favoured Littleton. On the 31st the King formally inaugurated the session, and made his last speech in Parliament. Lord Somers is supposed to have borne the chief hand in framing this memorable speech, which became so popular at home and abroad that it was printed with decorations in English, Dutch, and French, and hung up in frames in almost every house in England and Holland, as his Majesty's last legacy to his own and all Protestant peoples. It was in every respect a noble oration, and very different from the vapid and nerveless utterances so frequently put into the mouths of sovereigns.

The King's Speech.

"I promise myself," the King began, "you are full of that just sense of the common danger of Europe and the resentment of the late proceedings of the French king which has been so fully and universally expressed in the loyal and seasonable addresses of my people. The owning and setting up the pretended Prince of Wales for King of England is not only the highest indignity offered to me and the nation, but does so nearly concern every man who has a regard for the Protestant religion or the present and future quiet and happiness of his country, that I need not press you to lay it seriously to heart and to consider what further effectual means may be used for securing the succession of the crown in the Protestant line and extinguishing the hopes of all pretenders and their open and secret abettors." He then observed that the French king, by placing his grandson upon the throne of Spain, was the real master of the Spanish monarchy, and able to oppress the rest of Europe if speedy and effectual

measures were not taken. English trade must soon suffer and become precarious. To obviate the general calamity he had concluded several alliances. "But," he continued, "it is fit I should tell you the eyes of all Europe are upon this Parliament; all matters are at a stand till your resolutions are known; and therefore no time ought to be lost. You have yet an opportunity, by God's blessing, to secure to you and your posterity the quiet enjoyment of your religion and liberties, if you are not wanting to yourselves, but will exert the ancient vigour of the English nation; but I tell you plainly, my opinion is, if you do not lay hold on this occasion, you have no reason to hope for another." His Majesty then urged the necessity for strengthening the sea and the land forces and for maintaining the public credit. He desired nothing for himself, and was willing that all supplies should be appropriated to objects for securing the safety and honour of the nation. What time could be spared from this all-important business he hoped would be devoted to preparing some good bills for employing the poor, for encouraging trade, and for the further suppression of vice. With this skilful and eloquent call to unanimity, the royal speech concluded—"Let me conjure you to disappoint the only hopes of our enemies by your unanimity. I have shown, and will always show, how desirous I am to be the common father of all my people. Do you, in like manner, lay aside parties and divisions. Let there be no other distinction heard of amongst us for the future but of those who are for the Protestant religion and the present Establishment and of those who mean a Popish prince and a French government. I will only add this: if you do in good earnest desire to see England hold the balance of Europe, and to be indeed at the head of the Protestant interest, it will appear by your right improving the present opportunity."

The Houses support the Sovereign.

The Lords in reply agreed with the King's denunciation of the French king and the attempt to set up the Pretender; and they promised his Majesty to assist to the utmost of their power in defending his person and govern-

CHAP. III. Parliaments of William III.

ment, and, in the event of his death, engaged still to secure the Protestant succession against all pretenders whatsoever. The Commons gave similar assurances, and further promised to make good all the King's alliances, which he had contracted with the object of preserving the liberties of Europe and reducing the exorbitant power of France. A bill was brought in to secure the King's person, and the Commons also voted a land force of forty thousand men and a like number of men for the sea-service. The naval vote was extended so as to include the establishment of a force of ten thousand marines, and, as war was actually approaching, no opposition was offered to a proposal to incorporate ten thousand foreign troops into the British army. All parties were now cordially united in furthering the views of the King.

The Pretender attainted.

The Lower House next proceeded with a bill for the attainder of the pretended Prince of Wales, whom they declared to be guilty of high treason for assuming the title of King of England. Every kind of correspondence with the Pretender was emphatically forbidden; and, the Tories consenting, it was declared penal for any one to maintain by voice or pen that the so-called Prince of Wales had any right to the throne of England. On the proposition of Edward Seymour, a condition was asserted in the alliances to be concluded, that no peace should be made with the King of France till he had given satisfaction for the insult to the British nation contained in his recognition of the Pretender; and a similar article was afterwards put into the treaty with Austria. The bill of attainder against the pretended Prince of Wales passed both Houses, and the Lords also passed a bill attainting James's queen, but that was let sleep in the House of Commons.

Oath of abjuration.

Yet a matter which occasioned long and animated debates in both Houses was an act for formally abjuring the pretended Prince of Wales and for swearing to King William, by the title of "rightful" and "lawful" king, and his heirs, according to the Act of Settlement. In the Lords it was proposed to make the oath voluntary, and

subscription or refusal to be recorded without any other penalty. Even this was opposed by the Tory party, headed by Nottingham, though the number of those in favour of the bill was three times larger than the number of those who opposed. But the House of Commons, perceiving the attitude of the Lords, resolved to bring in a bill that should oblige all persons to take the abjuration. It was drawn by Sir Charles Hedges, and all appointments in Church and State were to be subject to it. Various things were added to the abjuration, including an obligation to maintain the government in King, Lords, and Commons, and to maintain the Church of England, together with the toleration for Dissenters. The resolution to make the oath compulsory, however, was carried by one vote only. The Tories in the House of Lords resisted the bill by every means in their power; but after a singularly determined opposition it passed on February 24th, ten peers protesting.

Members and their instructions.

The nature of the instructions given by certain towns and counties to their representatives in Parliament now came on for discussion, and the Tories supported the view that the instructions tended to hinder freedom of debate. The spectacle of the Tories insisting upon the exclusive prerogatives of the Commons caused considerable astonishment in the country. A committee of the House of Commons reported against the instructions, and affirmed that the statement that there could be any other representative of the Commons of England except the Lower House was ruinous to the rights of the House itself and to the fundamental constitution of the kingdom. Defoe and others had argued with great spirit that Parliament was subordinate to the people, and that English liberty consisted in the connection between king and people, the sovereign nevertheless being not so much king over the people as the people's king.

The petitioners for a dissolution.

The petitions presented to the King for dissolving the late Parliament having been taken into consideration by the Commons, that prominent Tory leader Mr. Finch broadened the issue by demanding that the authors of

CHAP. III. Parliaments of William III.

the petitions, who had thereby been guilty of a crime, should be inquired after. Several members of the House virtually came within this condemnation, and one of them, named Strickland, rose and said that if people were so anxious to know who were the authors of the addresses, they could see one of the supposed culprits before them; that the Yorkshire address had originated with him, but it had received five thousand signatures and had met with the King's approval. The House was thrown into an electrical condition, and recriminations were heard on all sides. In the midst of the excitement, Strickland was fatally seized with apoplexy, and the chairman of the committee having left his seat, the Speaker resumed the chair and adjourned the House.

Great party conflict.

On February 26th an important debate arose on the question of the renewal of the trial of the Whig lords. In committee of the whole House the conduct of the House of Lords in relation to the trial of the four accused persons was discussed. Both parties used the most strenuous efforts to bring up their adherents, for important political issues were involved. No fewer than 456 members were present in the House, being a larger attendance than had been noted within living memory. If the motion had been carried, a serious breach must have ensued between the two Houses; but the Whigs secured a majority of fourteen votes in this critical division, the numbers being 235 to 221. Yet while it was thus conceded that every person accused had a right to demand a speedy deliverance upon the offences laid to his charge, the Whigs determined to go further than this. On the motion of the Marquis of Hartington, a resolution was carried to the effect that it was an undoubted right of the people to petition the King for a dissolution and even for the summoning of a fresh Parliament. Other resolutions followed, and the curious spectacle was witnessed of a House of Commons which had agreed at one time to three resolutions asserting in various forms the unfettered freedom of Parliament, and at another to two resolutions giving the people a right to petition for the limitation of

its action, and confirming the right of the subject to a speedy trial when charged with any offence. At this time the Tories pitted the House of Commons against people, Lords, and King; while the Whigs claimed for the people the right to review public affairs in opposition, if necessary, to their own representatives. The Tories were very powerful, and, in order not to be crushed by them, the Whigs placed in opposition to the authority of Parliament the three interests of King, peers, and people.

Accident to the King.

Whilst the struggle of parties was in progress, William was disabled by a serious accident. In riding from Kensington to Hampton Court on February 21st, 1702, he was thrown from his horse, and broke his right collar-bone. He was carried to Hampton Court, and there medically treated. During his enforced quietude, the King sent a message to Parliament on the subject of the union with Scotland, a matter which had recently occupied his anxious thoughts. In this message he observed that he would esteem it a peculiar felicity if some happy expedient for making both kingdoms one might be devised during his reign. He was extremely desirous that a treaty for that purpose should be set on foot, and in the most earnest manner he therefore commended this affair to the consideration of the House of Commons.

The Union with Scotland.

William's closing days.

But "man proposes, and God disposes." The King soon found that he must leave this and all other questions to his successor. The war also upon which he had set his heart must be left to the direction of Marlborough, whose military genius had already impressed his royal master. On March 1st his Majesty suffered a relapse, and next day he sent a commission to the Houses of Parliament to signify his assent to certain bills, including the bill against the pretended Prince of Wales, and a bill providing that the solemn affirmation and declaration of the people called Quakers should be hereafter accepted instead of an oath in the usual form.

His death.

The King's strength then suddenly failed. His lungs

CHAP. III. Parliaments of William III.

were diseased, and they had been further injured by the fall. Inflammation ensued, and he breathed his last on the morning of March 8th, 1702, having reigned just over thirteen years.

Character of William III.

Although William III. was not of the very first order of men, he so impressed his contemporaries by his general abilities and sagacity that the Queen of Prussia exclaimed, "I fear that centuries will pass ere such another is vouchsafed to earth." He had the greatness which is able to perceive and weigh the significance of current events, and his perception of the importance of the struggle against the French king amounted to prescience of an extraordinary kind.

Constitutional importance of his reign.

In private life the King was too apt to suppress his feelings, but the ring containing Mary's hair found near his heart after death told of strong affections. The Glencoe massacre and the harsh treatment of the promoters of the Darien scheme are remembered against his public character; yet what king with such great public virtues had fewer failings? From the constitutional and Parliamentary points of view, his reign is one of singular interest for the people of England. That can be no inglorious reign which saw the establishment of the Bank of England, the introduction of the modern system of finance, the recognition of ministerial responsibility, the assertion of the liberty of the press, and the founding of the British Constitution upon a firm basis. From William's time the ultimate decision in grave matters of state has rested with Parliament, and not with the sovereign. In several preceding centuries the House of Lords had been the preponderant power; but from the end of the seventeenth century onwards the House of Commons became the ruling influence. It is true that under William the House of Commons had not yet become a popularly elected body. "The county voters were the freeholders; but in the towns, with some important exceptions, the electors were the richer inhabitants who formed the corporations of the boroughs, or a body of select householders more or less under the control of some

neighbouring landowner."[1] The House was thus strong aristocratically, socially, and commercially; but it was not democratic. Yet the Commons limited the power of the Crown by the Bill of Rights and the annual Mutiny Act, first passed in 1689; the independence of the judges was secured, and the liberty of writing and speaking was affirmed. In religion, the Toleration Act marked a great stride. This Act, passed in May, 1689, relaxed the stringent conditions of the Act of Uniformity, the Five Mile Act, and the Conventicle Act. Yet, while it was a noble step in advance, and relieved many religious bodies from the penalties under existing statutes, as well as granted indulgence to Quakers, it did not extend to Papists, or such as denied the Trinity. Toleration still continued to be the exception, though it is just to note, with Macaulay, that the measure "removed a vast mass of evil without shocking a vast mass of prejudice."

The Cabinet.

As regards the machinery of government, William vastly improved it by instituting the Cabinet, an idea which really had the Earl of Sunderland for its originator. The King selected as his Ministers those leading members of both Houses who enjoyed the confidence of the majority in the House of Commons. This was a very important departure, and one that was perpetuated by William's successors.

William's greatness.

On the whole it must ever be an honour to the Crown of England that it has been worn by so great a man. Even the famous statesmen who surrounded him, Somers, Montague, Sunderland, and Godolphin, pale into insignificance before him. "He was in truth too great, not for the times wherein he was called to action, but for the peculiar condition of a king of England after the Revolution; and as he was the last sovereign of this country whose understanding and energy of character have been very distinguished, so was he the last who has encountered

[1] Dr. S. R. Gardiner, article "England," *Encyclopædia Britannica*, ninth edition.

CHAP. III.

Parliaments of William III.

The King and the Revolution.

the resistance of his Parliament, or stood apart and undisguised in the maintenance of his own prerogative."[1]

The Revolution of 1688-89 was fully necessary, and was abundantly justified by its results. For his share in that Revolution, as well as for his appointment of the first Parliamentary Ministry, and other personal and public acts at home and abroad, William III. will ever continue to hold a conspicuous place in our general and constitutional history, as well as in the esteem and gratitude of the English nation.

[1] Hallam's *Constitutional History*.

BOOK X.

THE PARLIAMENT OF SCOTLAND.

CHAPTER I.

ITS EARLY HISTORY TO A.D. 1560.

The Scottish Constitution.

It will be convenient here to interrupt the thread of my narrative, in order to trace the history of the Scottish Parliament from its earliest records down to the time of the Union with England. The Constitution of Scotland is more obscure in its origin and progress than that of most European states, for all ancient documents and contemporary chronicles which may have existed during the first eleven centuries of the Christian era have been irretrievably lost. No authentic Scottish charter, record, or chronicle is known to be extant so old as the reign of Malcolm Canmore, who died in 1093; and it is therefore useless to conjecture upon the constitution and powers of such political bodies as existed prior to the eleventh or twelfth century.

The King and the Legislative Council.

It is extremely difficult to distinguish the ancient Scottish legislative court or council of the sovereign from that which discharged the duty of counselling the King in judicial proceedings. While the early lawgivers enacted statutes by the advice of the "bishops, earls, barons, thanes, and whole community," or "through the common counsel of the kynryk (kingdom)," during the reigns previous to Alexander III. the King also decided causes in a similar assembly of magnates; and laws of the greatest importance, and affecting the interests of

CHAP. I. Its Early History to A.D. 1560.

all classes of the community, were enacted by the King and his judges. The appointment of Turgot to the bishopric of St. Andrews by King Alexander I. in 1107, and the proceedings in connection with the election and retirement of his successor, Eadmer, in 1120-1, are the earliest events in Scottish history where there is evidence of the concurrence of a national council. This council, as the King himself stated in a letter to the Archbishop of Canterbury, consisted of certain bishops, earls, "and good men of the country." In the few remaining charters of the kings preceding this monarch there is no mention of any great officers of the Crown. Those of Alexander are witnessed by his chancellor and constable, the former office being rendered necessary by the introduction of royal fiefs and charters, and the latter marking the rise of a feudal baronage. A justiciar also first occurs in this reign, and in royal grants of importance Alexander cites the testimony and consent of the bishops and magnates of his kingdom.[1]

The Scottish Estates.

The Representative Assembly, or Parliament, of the Scottish nation approximated more to the French than to the English model. It contained three estates, prelates, tenants-in-chief great and small, and townsmen, until James I., in 1428, in imitation of the English system, instituted commissioners of shires, to supersede the personal appearance of the minor tenants-in-chief; then the three estates became the lords, clerical and lay, the commissioners of shires, and the burgesses; and these throughout their history continued to sit in one house.[2] The estates have been simply and clearly defined by some authorities as the clergy, the barons, and the burgesses. The Chancellor was president; the officers of state had seats in virtue of their offices; and the judges of

[1] *The Acts of the Parliaments of Scotland, printed by command of Queen Victoria in pursuance of an Address of the House of Commons of Great Britain*, Vol. I., A.D. 1124—1423.

[2] *Lords' Report on the Dignity of a Peer*; and Stubbs's *Constitutional History*, Vol. II.

the Court of Session sat round a table in the centre of the hall, between the barons and the Commons. All tenants of the Crown, or barons, as they were denominated, were entitled to sit in Parliament; but many, from the smallness of their incomes and the overwhelming influence of the great aristocracy, forbore to attend an assembly where they were merely objects of disdain. It was this failure that led to the statute of James I., a statute passed nearly two centuries after the Commons of England had obtained representation. Moreover, in England the right of voting was not confined to mere tenants of the Crown; it was indisputably exercised by all freeholders; but in Scotland the right was restricted to proprietors who held of the Crown.[1] The burghs early acquired a right of representation, and their commissioners sometimes attended, but the commissioners for counties never.

Early constitutional progress.

The National Council practically established by Alexander I. is called the Curia Regis from the reign of William the Lion till the death of Alexander III. Constitutional progress during this period is interesting, though somewhat difficult to trace. David I. (1124—1153) was known as a legislator, and a considerable body of his work has survived to this day. In his reign the offices of great steward and constable became hereditary in the families of Stewart and De Morevil. Another important officer, the great chamberlain, had probably the general control of the Treasury; but his functions, administrative and judicial, had more particular reference to the affairs of the burghs, the defined constitution of which was one of the remarkable features of the reign.

The National Assemblies.

Well-defined constitutional landmarks distinguish the reign of William the Lion, who was crowned at Scone in 1165. This king held frequent great courts for the decision of causes and enacting of assizes and statutes. These assemblies consisted of bishops and prelates, earls, barons, and free tenants of the Crown. For the first

[1] *Constitutional History of the British Empire.* By George Brodie, Historiographer Royal of Scotland.

CHAP. I. Its Early History to A.D. 1560.

time mention is now made of public taxes imposed by the National Assembly. The ordinary expenses of the government were obtained from other sources, such as the old prescriptive regal dues, the customs on export and import of merchandise, the rents of the Crown lands and of burgh tenements, and the fines and escheats in the king's courts. With the authority of the National Assembly, William imposed taxes on all lands, whether the property of the clergy or of the laity. During the reigns of Alexander I. and II. there was no material change in the constitution of Scotland. Alexander II. was supported by the National Assemblies in resisting the admission of legates from Rome, and in confirming the privileges of the National Church. Under legislative sanction, aids were imposed for public purposes, and several general statutes enacted. Alexander III., who reigned from 1249 till 1286, gave stability to the institutions which had sprung up in the stormier reigns of his predecessors. The administration of the law by sheriffs in shire courts was extended over the remotest districts, including Inverness, Elgin, and Dumfries; lands were valued by a general "extent" for ascertaining the dues of the Crown and assessing public taxes; and the whole of modern Scotland was brought under a firm and vigorous government. During this first period of constitutional history, extending from Alexander I. to the death of Alexander III., the National Council or Assembly of Scotland appears to have differed very little in its constitution from that of England at the same period.

Growing influence of the burghs.

It is important to note the growth of burgh privileges. It was under that wise sovereign David I. that the burghs of Scotland took their place as recognised members of the body politic of a feudal kingdom. Their voluntary incorporation was legalised, they became tenants *in capite* of the Crown, and from that period yielded a large proportion of the revenue of the country. Their growing influence was fostered by the organisation of an assembly for treating their common affairs. "Long before the principle of representation can be discovered elsewhere,

the burghs of Scotland sent delegates to a court of their own, where they framed laws for their common government, and reviewed decisions of individual burgh courts; a burgher Parliament, which, though now become insignificant, long continued, under its successive characters of the Court or the Convention of Burghs, one of the most remarkable of the peculiar institutions of Scotland."[1] The burgesses joined in aids and public contributions from a very early period, and probably met for that purpose in their own court, as their attendance in the National Councils during a whole century is ignored by contemporary chroniclers.

Composition of the Councils.

Touching the composition of the National Councils, statutes are found in 1230 which profess to be enacted by the advice and consent of the magnates of the realm and of the whole community; but the list of those present, preserved in several manuscripts, gives no more than the names of one bishop, two earls (one of them justiciar of Scotland proper), one prior, the justiciar of Lothian, the high steward, and one baron. In 1255 an important national convention numbered four bishops, four abbots, four earls, and thirteen great barons. At the head of the list were the Steward of Scotland and Robert de Brus (Bruce). The Assembly of Nobles which acknowledged the Maiden of Norway as heir to the throne at Scone on February 5th, 1283, consisted of thirteen earls and twenty-four great knights and barons. Finally, the great convention at Brigham in 1289 was composed of the four guardians, two of whom were bishops, of ten other bishops, twelve earls, twenty-three abbots, eleven priors, and forty-eight barons. There were thus upwards of a hundred representatives of the estates present. But down to the second period of the constitutional history of Scotland, which may be said to commence with the disputed succession and the War of Independence, there is no allusion to representatives of burghs as being present at any of the national councils or assemblies.

[1] *Acts of the Parliaments of Scotland*, Preface.

CHAP. I.
Its Early History to A.D. 1560.

Use of the word "Parliament."

There is some confusion as to the first actual mention of the word "Parliament" in connection with the Scottish representative councils. Lord Hailes[1] states that "a Parliament was held at Stirling in 1211, when the King demanded an aid for levying the sum due to the King of England by the late convention, when the barons gave him 10,000 merks, and the burghs 6,000." But in the official records this assembly is distinctly called a great council—*magnum concilium*. Burton states that up to 1289 no assembly had as yet called itself a Parliament on its record; and that the earliest Parliament thus styling itself is that of 1292, held by John Baliol at Scone.[2] But I find that the first use of the word "Parliament" in the records occurs at a much earlier date than this. In 1215 Alexander held a Parliament at Edinburgh, the language expressly used being *tenuit Parliamentum*. The next use of the word is in 1259, when a council was held whose proceedings were "apparently Parliamentary." Again, the famous assembly in 1283 is styled "a Parliament at Scone," when, as already stated, the settlement of the succession was made by the earls and barons in favour of the Maiden of Norway. The first time that Wyntoun gives to the National Assembly of the Estates the name of Parliament is in connection with that of 1286, in which the six wardens were appointed. In 1289, at the Parliament of Brigham (above referred to), letters were read from the guardians "and all the commonalty, or community, of the realm of Scotland,"[3] to the kings of England and Norway regarding the marriage of Queen Margaret. That the word "Parliament" must have been already in use is shown by the treaty of Brigham (1289), in which it was covenanted that no Parliament should be held without the boundaries of Scotland as to matters respecting the kingdom.

[1] *Annals of Scotland.*

[2] *History of Scotland,* by John Hill Burton, Historiographer Royal, Vol. II.

[3] *Et tote la commune de reaume de Escoce.*

But the records state that the Parliament assembled by John Baliol at Scone on February 9th, 1292, was probably the first of the National Councils of Scotland which bore that name throughout the country at the time. No change of constitution occasioned the adoption of the new term, which soon became in Scotland, as in England, the received designation of the great legislative council solemnly assembled. In 1289-90, however, burghs had been mentioned for the first time as having a voice in the affairs of the nation ; and to the treaty between John Baliol and Philip of France, ratified at Dunfermline in 1295, the seals of six burghs were appended. Yet from the peculiar phraseology of the deed itself, and from the silence of historians as to any meeting of a Parliamentary nature in which it could have been voted, it is doubtful whether the parties stated as consenting, and especially whether representatives of those six burghs, were actually present as in a National Assembly or Parliament. It is further dubious whether the representatives of the burghs formed a part of the Parliaments of Robert I. in 1314, 1315, and 1318, although in the Parliamentary settlement of the Crown by the second of these there is mention of the *majores communitatum*. In Bruce's great Parliament of 1326, however, held at Cambuskenneth, the representatives of corporations were undoubtedly present. To meet the expenses of the War of Independence and the necessities of the State, the tenth penny of all rents was granted to the monarch "by the earls, barons, burgesses, and free tenants in full Parliament assembled." From this time forward the representatives of the burghs formed the Third Estate, and an essential part of all Parliaments and General Councils.

Parliament and the burghs.

It is in this Parliament of 1326 that we meet with the first development in Scotland of what are now considered the fundamental principles of a representative constitution, namely, a claim of right, redress of grievances, a grant of supplies, and a strict limitation of the grant to its proper purposes. The gift of a tenth penny to the King was declared to be null if the King should

The Crown and the people.

CHAP. I. Its Early History to A.D. 1560.

defeat its application to the public service by any remissions granted beforehand. Then, because certain of the nobles had liberties and privileges—regalities and high jurisdictions—which impeded the King's officers in levying taxes within their bounds, all such privileged lords undertook to make payment of the tax effeiring to[1] their lands, which failing, the King's sheriffs were to distrain. The concluding words of the act were very remarkable: "It is consented and agreed between our lord the King and the community of his realm" (*inter dominum regem et communitatem regni sui*) "that on the death of the King the payment of the tenth penny shall stop, and that the thing shall not be drawn into a precedent." With this important constitutional limitation, the King gave his consent to the act by appending the Great Seal. He thus acknowledged the authority of the Estates in regard to money grants.

Burgh courts or Parliaments.

Before this period nevertheless the Scottish burghs, as we have seen, had courts or Parliaments of their own. There was a burghal Parliament in the south, called the Court of the Four Burghs. These were Edinburgh, Berwick, Stirling, and Roxburgh. Even after other corporations joined it, the old name was retained, and its functions partook of a mixed judicial and legislative character. "It reviewed," says Burton, "the decrees of the Lord Chamberlain in questions where individual corporations were concerned, as the English Parliament reviewed the decision of the King's judges, the Chamberlain himself sitting with the burgess representatives, and probably guiding their proceedings after the practice still followed by some law lord in the House of Lords." The Court of the Four Burghs further established rules of law on matters of private rights and obligations, such as the modes of succession to the property of burgesses. A notable case has been handed down where one of the parties appealed against a judgment in Scotland to Edward I., when the English king was asserting his

[1] Fairly falling to.

right of superiority over Scotland.[1] The laws of the Four Burghs are held to be more complete and compact, and to have in them more of the qualities of a body of statute law, than any other fragments of ancient legislation in Scotland. By degrees the Court absorbed all the royal burghs of Scotland, but its influence weakened as the municipalities became directly represented in the general Parliament of the country. Under the title of the "Convention of Royal Burghs," it continued to adjust questions affecting the internal affairs of corporations until the passing of the Burgh Reform Act of 1833; but the convention still has the semblance of life, and continues to meet annually at Edinburgh.[2] The old Scots burghs were truly democratic, and there was "no trace of thraldom or serfdom" within them, affording in this respect a marked contrast to the English corporations, while closely resembling them in others.

Edward I.'s government of Scotland.

Edward I., in his scheme for the government of the realm, decided that the Crown was to be represented in Scotland by a governor or lieutenant. He was to be assisted by a small council, not of a parliamentary or deliberative character, but one selected to give advice in aid of the executive government. The members chosen all bore distinctively Scottish titles.[3] In the year 1305 Edward summoned to the English Parliament ten representatives from Scotland, who were to be chosen as follows: two by the prelates, two by the abbots, two by the earls, two by the barons, and two by the commonalty; and they were to be recouped their expenses for attendance in England. With the desire of further pacifying and conciliating Scotland and completing the fusion of the two countries, Edward contemplated the summoning of a great union Parliament at Carlisle; but his efforts came too late, for early in 1306 Bruce left the English

[1] Ryley's *Collection of Pleadings in Parliament.*

[2] Marwick's *Records of the Convention of the Royal Burghs of Scotland.*

[3] Palgrave's *Documents Illustrative of the History of Scotland.*

CHAP. I. Its Early History to A.D. 1560.

Court, and soon raised his standard in the northern kingdom.

Parliament of 1318.

A Scottish Parliament held in 1318 passed many important laws, especially distinguishing itself in matters of order and good government. One statute provided for the arming of the people; a second prohibited the removal of any commodities or money from the kingdom of Scotland, so that the barons or others who lived in England could draw nothing from their estates. To retain their privileges as Scotsmen they must return to their native country. Another enactment would have affected the heart of old Izaak Walton. It dealt with that noble fish the salmon—which continues to be legislated upon until this day—and provided that it should be consumed so far as, and no farther than, might be consistent with the due preservation of the breed.

A national remonstrance.

On April 6th, 1320, a Parliament assembled in the abbey of Arbroath, when a solemn address to Pope John XXII. was resolved upon from the earls, barons, and free tenants, with all the community of the kingdom of Scotland. A great remonstrance was made against the wrongs of the Scottish nation and the misrepresentations of England. The language of this memorable document is distinguished for "a becoming and mournful dignity that has made the remonstrance illustrious among the utterings of national wrongs and appeals for national mercy and justice." The remonstrants complained of the King of England for attempting, under the guise of friendly intervention, to destroy the liberties of Scotland, and to conquer it for himself. Bruce's achievements were then proudly recited. The Scots' memorial at once produced a mitigatory effect through the bulls of the Papal Court, but ten years later the war with Scotland was renewed by Edward III.

Parliaments of David II.

During the reign of David II. (1329—1371) the Scottish Parliaments gained in independence and power. That held at Scone in 1363 rejected as inadmissible, and with disdain, the King's suggestion that his successor should be one of the sons of the King of England. Another

held in 1366 debated four propositions: homage, the succession, the dismemberment of the kingdom, and the subsidising of an armed force against England; and it resolved that all but the last should be rejected as intolerable, and not to be admitted even to deliberation.

Bold legislation.

The captivity and frequent absence of David, and still more, perhaps, his propensity to rely upon English counsels, had their effect upon his people. The later Parliaments of his reign manifested a "surly resoluteness in checking abuses and stretches of the prerogative." Among other things, it was resolved that strict justice should be administered between man and man, that favour should be shown to no one, and that the writs issued from the King's Chapel in Chancery should not be stopped at the instance of any one, however powerful. Royal remissions for injury done were to be null, unless the injured were satisfied; and no justiciar, sheriff, or other officer of the Crown was to execute any warrant, if it were contrary to statute or common law. Except the feudal dues, nothing was to be taken from the community for the King's use without prompt payment. Under severe penalties, horses were not to be sent to graze on peasants' lands. Royal gifts of estates and feudal dues were to be recalled, and the property of the Crown restored to its original state at King Robert's accession. Public services were to be rewarded, by advice of the Council, out of the movable property of the Crown. The liberal supplies granted to the Crown were to be used for their specified purposes, and no other. Here was asserted the great Parliamentary principle of the right to control the appropriation of the supplies, as well as the power to grant them.[1]

[1] In the collections of the Scots Acts made in the early part of the seventeenth century several of these enactments were omitted, although they must have existed in the original manuscripts. Burton attributes this to a propensity to overlook whatever bore testimony in these earlier times to the freedom of the people and their control of the royal prerogative.

CHAP. I.

Its Early History to A.D. 1560.

Powers delegated to committees.

The increase in the functions of the executive, and the secrecy and decision deemed requisite in a council of state, led to the introduction of a mode of conducting the affairs of Parliament which ultimately and materially affected the independence of its deliberations. The frequent and protracted meetings of the National Council were felt to be extremely burdensome, especially by the class of small freeholders, among whom as yet no representation was established. Many of these attended with reluctance, and they could not remain through the session without much inconvenience. To ease that class, and also to avoid the difficulties attending the popular discussion of certain questions, for the consideration of which the National Council was expressly summoned, Parliament devised the plan of delegating its powers to various committees of its members.[1] For example, in the Parliament of Perth, held in March, 1368, the Three Estates, on account of the inconvenience of the season and the dearness of provisions, elected certain persons "to hold the Parliament," who were divided into two bodies, one to treat of the general affairs of the King and kingdom, and another and a smaller committee to sit on appeals from inferior courts. And in the succeeding Parliament of February, 1369, two committees were appointed, the first to deal with appeals, pleas, and complaints which of right should have come before Parliament, and the other "to treat and deliberate on certain special and secret affairs of the King and kingdom previous to their being brought before the whole Parliament." In these arrangements were the germs both of the Committee of Articles, which afterwards became an essential and a remarkable part of the constitution of Parliament, and of the Judicial Committee, which, under various forms and regulations, became also a permanent institution, and terminated in the establishment of a separate and Supreme Court of Justice. These changes were accepted as precedents by David's successor,

[1] Preface to the *Scots Acts of Parliament.*

Robert II., the first Stuart king, whose reign otherwise marks little of constitutional change or improvement.

The Lords of the Articles.

The Lords of the Articles, who ultimately became a recognised part of the legislative machinery of Scotland, and who sprang out of the "Committee of Articles," assumed the form of a permanent body by the time of James I., or just about half a century after the original inception of the Committee. From the reign of James the legitimate method of transacting the legislative business of Parliament was that, on the meeting of the Estates, the tenor of the measures it was desirable to pass was ascertained. Then certain persons were chosen from each Estate to be the Committee on the Articles. They prepared and matured the various measures, the Estates standing adjourned while they were at work, and their functions somewhat resembled those of a committee of the whole House of Commons which deals with a bill referred to it after the second reading. The Estates being again assembled, the Committee reported the bills matured, and they were put to the vote for final adoption or rejection.

Settlement of the Succession.

The settlement of the crown made in 1371, the first year of the reign of Robert II., was upon the strict lines of male succession. Parliament enacted that the King's eldest son, John, Earl of Carrick, should succeed him. Two years later another act was passed naming successively the sons of the King by his first wife, each to succeed on the failure of his elder brother and the male children of that elder brother. If the sons of the first marriage provided no successor to the crown, then those of the second were to come in their order. This express Parliamentary "entail of the crown," as it has been termed, was rendered necessary by Robert's two marriages. He had espoused first Elizabeth, daughter of Sir Adam Mure, of Rowallan, and by her he had four sons and six daughters. But by the ecclesiastical or canon law these children were held to be illegitimate, as under that law the parents (who were within the forbidden lines of relationship) could not have been wedded without a

CHAP. I. Its Early History to A.D. 1560.

dispensation. By his second wife, Euphemia Ross, Robert had two sons and four daughters, so that there was no lack of heirs to the crown. All the King's daughters made influential alliances by marriage. The offspring of Elizabeth Mure actually reigned, according to their Parliamentary title, but ecclesiastical doubts continued to disturb the minds of many. The succession difficulties of the Stuarts were not unconnected with the tragic death of James I.; and, by way of singular contrast, four hundred years later there was something of the ludicrous attaching to the last prominent representative of the ecclesiastically legitimate race of Stuart.[1]

Reforming Parliament of 1398.

By the time of the first Stuart king, the foundations had been laid of all that was peculiar in the constitution of the Scottish Parliament. But the action of the Estates during the reign of Robert III. possesses considerable interest. The Parliament which met at Perth in April, 1398, addressed itself to the work of remedying the national grievances. Although some of the most flagrant offenders had seats in the assembly, Parliament emphatically denounced the evils of the day, and endeavoured to find a remedy. In consequence of the weakness and incompetency of the King, it proceeded to appoint his eldest son and heir, the Duke of Rothesay, as his lieutenant, with full sovereign powers, but limiting his commission to three years, and appointing a council named in the act for his guidance. It was further provided that the acts of the regent and his advisers should be minuted, in order that the counsellors of the Duke might be amenable to punishment by Parliament if they transgressed. The hands of the executive were strengthened in bringing offenders to justice, including those who should set the officers of the Crown at defiance. If they failed to appear after due notice, they were to be

[1] Burton reminds us that the last conspicuous representative of Euphemia Ross and the legitimate race of Stuart was Captain Barclay, of Ury, noted a generation or two ago as a pugilist, a pedestrian, and an amateur driver of stage-coaches.

proclaimed as rebels and outlaws. These acts would have appeared drastic in other States, but the Scots cared little for Divine right even at this early period. This Parliament of 1398 was signalised by the appearance of a new dignity upon its rolls: that of duke. The title was limited in the outset to the blood-royal, and the regent was created Duke of Rothesay, while the King's brother was created Duke of Albany.

Origin of the Statute Law.

The reign of James I. (1406—1437) was marked by many important legislative and judicial changes. The King was for some time a captive in England, but on his return home in 1424 he was crowned at Scone. Immediately began a revolution in the common law and statute law, and from this period practically dates the statute law of Scotland, for the collections of Scots Acts made for the profession go no further back than this. James gave his Parliament plenty to do, and statutes were passed in almost every year of his reign. Arrangements were made for promulgating the acts themselves among the executive and judicial authorities who had to deal with them, and the laws were directed to be issued in the vulgar tongue. A committee of revision was also appointed to amend and interpret the old laws. A general survey and valuation of property was instituted for purposes of taxation, and rigid inquiries were made into the disposition of ancient Crown property. Statutes were passed to restrain begging and vagrancy, and to compel the able-bodied to work. Weights and measures were regulated, and a coinage standard established equal in weight and fineness to that of England. Those entitled to practise in the law were clearly identified, and their privileges defined.

Parliamentary changes.

These various reforms formed an important body of provisions, but an effort was also made to assimilate the Parliament itself to that of England. The lesser barons, who had found attendance irksome, were released provided they sent "commissioners" or elected substitutes, two for each shire, save Kinross and Clackmannan, which were to send one each. Every person holding land from

the Crown was to have a voice in the elections. In the act containing these provisions the name of "Speaker" occurred for the first time, as also the word "Commons," the commissioners being enjoined to choose "a wise and an expert man called the common Speaker of the Parliament, the whilk shall propose all and sundry needs and causes pertaining to the Commons in the Parliament." At this period the King incited the Commons to discourage by legislation "the game of football," and to encourage a system of parochial archery schools, for he had observed the great superiority of England in the military organisation of the people.

Policy of James I.

James put to death his cousin Murdoch of Albany, the Regent, for abusing his power. Then, in 1426, when sundry Highland chieftains rose in rebellion, he obtained from Parliament an extraordinary tax "for the resistance of the King's rebellers in the north"; and the tax was to be such that "in all lands of the realm where the yield of twa pennies was raiset there be now ten pennies raiset." This was a heavy impost, but the Commons did not spare when the suppression of sedition was in question.

Checks on the Sovereign.

The murder of James I., the poet, the man of letters, and a prince really desirous of instituting a system of good government, was avenged by his queen. But his successor, the second James, was also surrounded with difficulties. He at length overcame the rebel house of Douglas, whose estates were in 1454 declared by Parliament forfeited to the Crown. This great accession of Crown property was made the occasion by Parliament of the passing of an act for restraining the dispersal of the Crown estates by gifts to subjects. In the course of five years James had distributed a vast amount of Crown property in lordships. Various important lordships and castles were now declared to be inalienably annexed to the Crown.

Useful and curious legislation.

But the poor also were not forgotten in the legislation of this period. The Parliament of 1449 distinctly enacted, "for the safety and favour of the poor people that labour the ground," that when they held leases these should

THE OLD HOUSE OF LORDS, DUBLIN. 2b

remain good although the ownership or lordship of the land should change hands. And while thus encouraging peaceful industry, Parliament was very severe upon "superfluous" persons and vagrants. The preamble of one act set forth that it was "for the putting away of sorners, feigned fools, bards, and such-like others, runners about," and "masterful beggars." These "beggars," strange to say, were to be identified by their wandering over the country with horses and hounds. The quadrupeds and any other property seized were to be forfeited, and the "beggars" themselves imprisoned. Short shrift was to be made of those "that make themselves fools, but are not": they were to be kept in ward or prison so long as they had any goods to live upon; and then, if they remained contumacious, it was provided "that their ears be nayled to the Trone or any other tree, and cuttet off, and banished the country, and if thereafter they be founden again, that they be hanged." The Scots Parliament of this reign likewise devoted much time to the perfecting of the national defences, all the legislative provisions in this respect being directed against "our enemy of England."

Reign of James III

As the King's successor, James III., was only eight years old when he came to the throne, the government for a time fell into the hands of Kennedy, Bishop of St. Andrews, who was the first churchman to wield high political influence in Scotland. He maintained a stainless reputation, and for some years there was peace in the country. But the reign was chiefly noteworthy for the rise and fall of a great house, that of the Boyds, whose head seized the King and became guardian of the kingdom. At the time of the King's marriage, however, with Margaret of Denmark and Norway—who brought as her dowry the Orkney and Shetland Isles—Boyd's enemies prevailed against him. He and his relatives were tried for high treason, Parliament charging them with the seizure at Linlithgow of the person of the King totally against his will, and with the degradation of the Crown by employing its power for their own ends and

CHAP. I. Its Early History to A.D. 1560.

interests. An indemnity which they held was set at nought, and they were found guilty. Boyd, Earl of Arran, fled to England, but his brother Sir Alexander was executed.

The Estates and the Crown

The Scottish Estates further showed their power over the Crown when in 1471 James desired to lead an army of six thousand men to the assistance of Louis XI. against the Duke of Burgundy. Parliament declined to sanction the step, reminding his Majesty that he had plenty to do at home, and commenting on the questionable dealing of Louis as to the countship of Xaintonge, which he had agreed to hand over to the Crown of Scotland on his marriage with the daughter of James I. The King did not go abroad, but the remainder of his reign was marked by domestic trouble and rebellion. There were threats of war also with England, and the Parliament, which was greatly moved, charged "the riever[1] Edward, calling himself King of England," with "lichtlying"[2] their lord. The Papal Nuncio intervened, and James was for peace, but England set at nought the papal injunction, so that the Scots Parliament complained of "incontinent great burnings, hereschip,[3] and destruction done upon our said sovereign lord, his realm and lieges."

Confederacy against the King.

James thereupon collected one of the largest armies ever gathered together in Scotland for the purpose of invading England. He was seized at Lauder, however, by a number of conspiring Scottish nobles, and conveyed to Edinburgh. He was soon set at liberty, but reports were shortly afterwards spread that he was in private treaty with England for the purpose of obtaining assistance in his schemes of vengeance upon his enemies. A powerful confederacy was then organised against the King by the Estates of the Realm. The chief ground of complaint set forth in a declaration of Parliament was that he had surrounded himself with false counsellors,

[1] Spoiler or robber. [2] Despising or undervaluing.
[3] Rapine, devastation.

who "counsellet and assistet him in the inbringing of Englishmen, to the perpetual subjection of the realm." This was the unpardonable sin with Scotsmen. Some authorities nevertheless, believing that the confederacy lacked more substantial ground for their action, state that they only raised the charge of privately negotiating with England because it was not alone the most odious which could be discovered, but would serve them for a complete justification. One thing is clear: that the latter were resolved to dethrone James and to make his eldest son king.

Legislation on commerce and treason.

It testifies to the business habits of the Scots that during this exciting time the work of Parliament went on as usual. While the country was ringing with preparations for civil war, statutes were being passed, some of which were designed for the advancement of trade and commerce. The commissioners of burghs invoked aid against the practice of granting letters of marque, which gave sanction to the piracy then infesting every sea wherein merchant vessels sailed. Then the treasonable Commons, as James would have called them, passed an act forbidding the sovereign to grant remission or pardon to criminals, because of the trouble brought upon the land "through treason, slaughter, rief, burning, theft, and openhership through default of sharp execution of justice, and over-common granting of grace and remission to trespassours."[1] There is something humorous in the situation when men, many of whom were guilty of treason up to the hilt, gravely sat in judgment upon traitors outside the Parliamentary pale.

James's death.

The struggle between the King and the confederates ended in the defeat of James at Sauchieburn and his assassination at Beaton's Mill, near Bannockburn. Only the monarch's deposition, and not his death, was aimed at, and Parliament took care to place on record that he was slain "of mischance." The Estates then proceeded to vindicate the late rising, and in the legislation which

[1] *Scots Acts*, vol. ii.

CHAP. I. Its Early History to A.D. 1560.

ensued they used their power with moderation. Although the high offices of state were naturally transferred to the conquering party, there was little spoliation of property. A general amnesty was passed, by which James IV. forgave those who had been in arms against his father, and the heirs of those who had died in hostility to him were assisted by legislative provisions to enter upon their estates. We do not find such magnanimity among many of the English factions.

Legislation against his assassins.

In 1491 the Estates, deeming that something was due to the memory of the assassinated King, passed a resolution lamenting with respect to the "eschewing and ceaseing of the heavy murmur and voice of the people, of the death and slaughter of umwhile our sovereign lord's father and progenitor, whom God assoyle, King James III., that the person or persons that put violent hands on his person and slew him are not punished." An act was passed offering a reward of one hundred marks' worth of land in fee and heritage to any one who should reveal the perpetrators.

Education.

Education shortly afterwards received attention, for it was in the year 1496, during the reign of the accomplished King James IV.—Ariosto's hero—that the remarkable act was passed ordaining that all barons and freeholders should send their sons to grammar-schools at eight or nine years of age. They were to be kept there until they had "perfect Latin," and were thereafter to proceed to the schools of "art and jure" for three years.

Ecclesiastical laws.

The Estates also took up ecclesiastical affairs, and, in consequence of repeated difficulties with the Papal Court, passed some very uncompromising statutes. These were chiefly aimed at the ecclesiastics who went to Rome to purchase benefices; that is, those who acknowledged the right of the Vatican to distribute ecclesiastical patronage, and who claimed under such alleged right the rank and revenues attaching to the presentations. A fierce quarrel having ensued between the Archbishop of St. Andrews and the first Archbishop of Glasgow, Parliament interposed with a vigorous statute, enjoining silence upon

both prelates, and threatening them with the loss of their revenues if they did not yield to the adjustment of the quarrel by the King and the Estates. A further stand against papal intervention in Scottish ecclesiastical affairs was made when Parliament expressly denounced the practice of taking litigations to Rome, and ordered litigants to bring home "their rights, bulls, writs, and monuments, in order that the questions at issue might be settled in the courts of law."

Character of James IV.

The rest of James IV.'s reign is barren of legislative interest. His foolish patronage of Perkin Warbeck, his settlement of the Highlands, his founding of the Scottish navy, and his expedition against England at the instigation of France are matters of history. Yet the King who perished at Flodden Field in 1513 was a brave soldier, and in some respects a wise administrator.

James V.

The new monarch, James V., being not quite two years old, the Estates of the Realm requested the Duke of Albany, nephew of James III., to come over from France and assume the regency. This he consented to do. The queen-mother, who had married the Earl of Angus, carried off her son to Stirling Castle, but she was obliged to give him up, and the Regent soon suppressed all attempts at rebellion in Scotland. He then left for France. Struggles for power ensued among the Scottish nobles, but the King was installed at Edinburgh, and eventually Angus was driven from Scotland.

Reforms in 1524.

The Parliament which met at Edinburgh in November, 1524, was a reforming Parliament. It first declared John, Duke of Albany, to have lost his office of tutory, and empowered the boy-king to govern his realm by the advice of the queen-mother and the Lords in Council. Then it projected its greatest reform: that "there be chosen certain famous lords and persons of the Three Estates that have best knowledge and experience, who shall sit upon the session, and begin the same incontinent, and thereafter continue and administer justice, evenly to all parties, both poor and rich, without feud, favour, or affection, keeping the order of the table,

CHAP. I. Its Early History to A.D. 1560.

notwithstanding any request of the King or Queen." There was a similar measure for the constant administration of justice in criminal matters, and for police throughout the realm.

The Parliament of 1525.

The next Parliament, which assembled at Edinburgh early in 1525, was marked by strong dissensions. No sooner had the Lords of the Articles been chosen than the Register of Parliament was crowded with protests against the elections. The Queen led the way. The Bishop of Ross protested against everything that should be done in the Parliament prejudicial to the King and country, and in that protest all the Lords of the Articles joined. The Earl of Eglinton, the Earl of Arran, and the Bishop-elect of Ross, each protested that the Lords of the Articles had not been duly elected, and that those should be Lords of the Articles whom they themselves had severally voted for. There were strange jarrings and recriminations in this national Parliament; but the Lords of the Articles went on to elect for the Secret Council—to execute and put in force the King's authority—four bishops for the spiritualty, and four lords for the temporalty, of the party opposed to the Queen.

The Church of Rome.

One of the most remarkable legislative developments of this reign was the action of Parliament with regard to the Church of Rome. In 1540 acts were passed, respectively, "for honour to the holy sacraments," "for worship to be had of the Virgin Mary," and against private conventions "to dispute in the Scripture." The word "conventicle," which afterwards passed into such common use, appeared in this last act. One brief statute, consisting of only thirty words, denounced the "pain of death," with confiscation of goods, upon any one who impugned the power of the Pope. Rewards were ordered to be given out of the confiscations to those who denounced heretics. At the same time an act was passed calling upon the Church to strengthen itself by purging itself of its abuses.

Death of James V.

The fifth James died soon after the defeat of his army, gathered to invade England, at Solway Moss in December,

1542. This monarch was accomplished, but indolent and exceedingly lavish in display. He was no friend to the nobles, but was beloved by the bulk of his people, by whom he was spoken of as "the King of the Commons."

Minority of Mary.

Arran was regent during the first eleven years of the minority of the beautiful and unfortunate Mary, Queen of Scots. In 1543 a treaty of alliance was entered into with England, and a treaty for the marriage of Prince Edward to the infant Queen, a union which was set aside by other events. But consent had been wrung from a packed House of Parliament, and great opposition arose in Scotland to the proposals of Henry VIII. The Estates met in December, 1543, and repudiated the treaties on the ground of their having been broken by King Henry by the seizure of Scots vessels and other acts of hostility. At the same time the Estates ratified and renewed the compacts with France, receiving from the French ambassadors promise of "aid and supply to our sovereign lady the Queen's grace and nobles of this realm for the defence of the same, and liberty thereof, against the King of England." Then ensued Henry's "burning and slaying expedition," with the defeat of the English at Ancrum Moor.

The Estates and the Queen's marriage.

Mary married the Dauphin of France in April, 1558, and at her request the marriage commissioners requested Parliament to confer the crown matrimonial on her husband. Fearing that this proposition would be somewhat unpalatable, the commissioners were careful to state that it was to be "by way of gratification during the marriage, without any manner of prejudice to her Highness's self, the succession of her body, or lawful succession of her blood whatsomever." The Estates authorised the act with this limitation, and a declaration that the distinction of king was to last "during the marriage allenarly."[1]

Purifying the Church.

Before the Reformation had made much progress in Scotland, the provincial councils endeavoured to deal with abuses in the Church. Injunctions had been issued

[1] Only.

CHAP. I. Its Early History to A.D. 1560.

by the provincial ecclesiastical council of Scotland in 1549 against the profligacy, extravagance, and idleness of the clergy; and a council held in the spring of 1559 had before it "articles proponit to the queen-regent of Scotland by some temporal lords and barons, which had been forwarded by her Grace "to the haill prelates and principals of the clergy convened in their provincial council in Edinburgh."[1] Although the members of the council were no sympathisers with the new doctrines, they recommended various reforms, especially as affecting internal discipline among the clergy. The Reformation now began to work its way rapidly, and its principles had not such great difficulties to contend with as in other countries. As early as 1542 Parliament had passed an act authorising the common reading of the Scriptures, "baith the New Testament and the Auld, in the vulgar tongue, in Inglis or Scottis, of ane good and true translation." The Edinburgh Council of 1559 adjourned till the following year, but it never met again. for John Knox had boldly entered upon his aggressive work against the Church of Rome, and the Reformation zeal was permeating the masses.

The Reformation established.

In the midst of great religious excitement, the Scots Parliament of 1560 assembled. Its sittings were very eventful, for the Estates established the Reformation in Scotland. On August 17th the Geneva Confession of Faith was approved of as "hailsom and sound doctrine, grounded upon the infallible truth of God's word." Eight days later all acts authorising any other form of belief or worship were repealed, and the authority of the Bishop of Rome was abjured. The administering of the Mass, or presence thereat, was declared to be punishable on the first offence by forfeiture of goods and corporal infliction at the discretion of the magistrates, on the second by banishment from the realm, and on the third by "justifying to the death." So far as the Estates were concerned, the Romish hierarchy, which on the morning

[1] *Statuta Ecclesiæ Scoticanæ.*

of August 25th was supreme, was deposed by the evening of the same day, and Calvinistic Protestantism established in its place. There were still troublous days in store, however, before the work of the Reformers was complete.

Interesting scene in Parliament.

Thomas Randolph, English ambassador to Queen Mary, wrote an entertaining account of the early proceedings of the Parliament of 1560 to Cecil.[1] After premising that he "never heard matters of such great importance sooner despatched, nor with better will agreed unto," he proceeds to say, "The matters concluded and past by common consent upon Saturday last (August 17th) are, first, that the barons (according to an old act made in A.D. 1427) should have free voice in Parliament. This act passed without contradiction, as well of the bishops Papists as all others present. The next was the ratification of the Confession of Faith, which the Bishop of St. Andrews said was a matter he had not been accustomed with, and he had had no sufficient time to examine or confer with his friends; howbeit, as he would not utterly condemn it, so was he loath to give his consent thereunto. To that effect also spake the Bishops of Dunkeld and Dumblane. Of the lords temporal, the Earls of Cassilis and Caithness said, No. The rest of the lords with common consent and glad will allowed the same; divers, with protestation of their conscience and faith, desired rather presently to end their lives than ever to think contrary to it; many offered to shed their blood in defence of the same. The old Lord Lindsay, as grave and goodly a man as ever he saw, said, 'I have lived many years; I am the oldest in this company of my sort; now that it has pleased God to let me see this day where so many nobles and others have allowed so worthy a work, I will say, with Simeon, *Nunc dimittis*.' The Lord Marshall said, though he were otherwise assured it were true, yet might he be the bolder to pronounce it for that he saw there present the pillars of

[1] By an unaccountable error, Burton (vol. iii.) attributes this report to Sir Nicolas Throckmorton, who was then the English ambassador to France.

the Pope's Church, and not one of them would speak against it. Many other spoke to like effect, as the Laird of Erskine, the Laird of Newbottle, the Sub-Prior of St. Andrews, concluding all in one, that that was the faith in which they ought all to live and die."[1]

The Queen and the Reformation statutes.

Although the Reformation statutes were not confirmed by the Crown, Mary being then in France, the people were well satisfied with their effects, which involved the separation of the Church of Scotland from that of Rome. The Queen herself, on her return in 1561, did not attempt to restore the Romish religion, although she demanded toleration for herself and her attendants, and re-established the Mass in her private chapel.

The Estates press Elizabeth's marriage.

The Estates were at this time most anxious to please Queen Elizabeth. Maitland of Lethington promised that if she would specify what she disliked in the Scottish policy, he would see it "further altered or modified." Parliament seconded Maitland, and was ready to yield anything if she would only consent to the proposal for her marriage with the Earl of Arran. The Estates resolved upon a special embassy to London, but Elizabeth temporised. The Estates, interpreting her silence as a favourable omen, proceeded to draw up a formal address to the English Council, pressing the marriage as the only means to make the alliance between the two countries permanent.

The Scheme fails.

"Other devices may seem probable for a time," said the Estates in this important document, "but, we fear, not for long. We wish the best, but many incidents which may fall out make us to fear the worst; but if this may take place, then are all doubts removed for ever. You need not fear that by marriage of a king of Scotland unto a queen of England the pre-eminence of England might be defaced, for that should always remain still for the worthiness thereof, neither need you fear any alteration of the laws, seeing the laws of Scotland were taken out

[1] *Calendar of State Papers of the Reign of Elizabeth* (1560—1561, Foreign Series).

of England, and therefore both these realms are ruled by one fashion. By these means Ireland might be reformed, and thus the Queen of England become the strongest princess upon the seas, and establish a certain monarchy by itself in the ocean, divided from the rest of the world."[1] The allusion to the ocean supremacy of England proved to be prophetic. In regard to the main burden of their address, the Estates were not successful. The husband of Mary Stuart having died, Elizabeth would not seem to conspire against a widowed queen, so she took the opportunity to dismiss the Scots commissioners with a virtual refusal of their offer, and the union between the English and Scottish crowns was thereby delayed.

Movements on Mary's behalf.

The Estates met in January, 1561, to receive in form Elizabeth's refusal of the Earl of Arran. Bothwell and others had returned from Paris to be present, bringing with them as many as three hundred letters from Mary to different noblemen and gentlemen. All eyes were now turned towards her. The Catholic party sent Leslie, afterwards Bishop of Ross, to Mary, to invite her to land at Aberdeen, where they would join her with twenty thousand men and march on Edinburgh; while the Protestants sent Lord James Stuart to bid her come to them in the name of the Parliament which had passed the Confession of Faith.

Powers of the Scots Parliament.

Some observations may well be offered at this juncture on the powers and action of the Scots Parliament from the time of the War of Independence to the Reformation. Scottish historians admit the superiority of the practice of the present British Parliament on all points in which it differs from the practice of the Scots Estates anterior to the Reformation. Yet the Scots Estates were notable in one important respect: they would not admit the irresponsibility of the sovereign. James III. was expressly censured by them, and they endeavoured to dethrone him. The Estates also kept in their own hands the power of making peace and declaring war. They gave

[1] *Scots MSS. Rolls House.*

CHAP. I. Its Early History to A.D. 1560.

instructions to ambassadors, and were very careful of Parliamentary usages in treaties and the like. Their power was such that down to the time of the Union with England the question whether the consent of the sovereign was necessary to an act of Parliament was left undecided. Few conflicts occurred between the Crown of Scotland and the Estates, and those which did arise had their origin in the resolve of the Estates to permit no temporising or treating with England on the part of the sovereign.

Procedure.

From the fourteenth to the beginning of the seventeenth century, there is no evidence that any article or bill was brought in and discussed, opposed, supported, voted upon, in Parliament—that is, in plain and open Parliament. The accident of the Three Estates meeting in one chamber, as the Three Estates had met in England of old, was only a small part of the cause which destroyed freedom of discussion, and prevented the growth of what may be called Parliamentary feeling in Scotland for centuries. "The time was not Parliamentary. No one thought of making a party in Parliament. No one looked *there* for redress of grievances. During all that time—for three centuries—when a party were displeased with the conduct of the existing Government, they did not attack its favourite measure or Minister in Parliament, nor try to pass a vote of want of confidence in the Government. The leaders of the Opposition in Scotland took another way of righting themselves—they laid a trap for the young King, and carried him off to Stirling or St. Andrews, as the case might be, surrounded him with their armed followers, Douglases or Ruthvens, Homes or Hamiltons, and then summoned a Parliament of their own friends, which they took care to declare *a free Parliament*. In that Parliament they proceeded to carry on the government, and always in the first place to pass a long series of forfeitures of the estates of the opposite party."[1]

[1] *Lectures on Scotch Legal Antiquities*, by Cosmo Innes,—a very valuable work; but in this one instance of forfeitures the author is too sweeping. There were some notable exceptions.

The formation of the body known as the Lords of the Articles has already been explained; but there was also a committee called the Lords Auditors of Complaints, which gave remedy of law to those who might apply for it. The proceedings of this committee from 1466 to 1494 have been printed by the Record Commission. Then there was the body styled the Lords of Council, whose proceedings likewise from 1478 to 1495 have been recovered and published. The Council was recast in 1503, when an act of the Estates declared that the lords were to be appointed by the Crown, and were to sit continually in Edinburgh, "or where the King makes residence, or where he pleases." As the Lords Auditors had authority only during the sitting of Parliament, it was necessary for some court or council to have the power of sitting during the recess, and this was given to the Lords of Council, who had the same jurisdiction as the Auditors, and completed their unfinished causes.

Lords Auditors.

Lords of Council.

The Secret Council was yet another committee for advising the sovereign; and we have here perhaps "the cradle of an organisation which afterwards passed into the hands of the Crown itself to exercise an authority inimical to the constitutional action of the Estates." When the sheriffs, as representing the Crown, sometimes resisted the orders of the Auditors, questions of "privilege" would arise analogous to those which frequently formed the subject of animated debate in the English Parliament. The Auditors, holding delegated power from the Estates as the supreme court of Parliament, counted themselves a court of review on appeals from the King's courts, and promulgated their decisions with singular distinctness and emphasis. Occasionally they adjudicated in international questions, as when they endorsed a decree against one William Lennox, of Kail, obtained from a French court of law by William Richardson, a burgess of Dieppe.

The Secret Council.

As the Lords Auditors and the Lords of the Council failed eventually to work well together, in 1532 the two bodies were practically amalgamated, and the Court of Session was founded, upon the model of the

The Court of Session.

CHAP. I. Its Early History to A.D. 1560.

Parliament of Paris. Its general remedial powers seemed at times to overlap those of the Legislature; and it was deemed illogical to appeal from the Court of Session to Parliament, since the Court of Session was but the remodelling of that committee of Estates which was itself the high court of appeal, as exercising the full powers of Parliament. The court also made no provision for trial by jury, again thereby asserting that it represented Parliament, the grand jury of the nation.[1]

Personal privileges.

With regard to the privileges of the subject, there was no precedent in Scotland for privilege of peerage, for forest law, or for game law; and it was only at a very late period that the Scots Legislature, imitating the practice of England, enacted that the ownership of land was a necessary qualification for the privilege of slaying wild animals. While the feudal aristocracy of Scotland had undoubtedly great power, which was in certain cases abused, the Estates passed acts for fixity of tenure to the peasant, and imposed other checks on the arbitrary exercise of feudal power. Peers could not claim to be tried by a separate tribunal of their own, and important cases of treason were generally tried by the Estates, whether the accused were lords or commoners. "The Estates were ever jealous of leaving political offences to be dealt with by the King's courts; but for other offences a lord, however high, had to 'thole an assize,' or stand by the verdict of a jury, like any other subject." The Scots had a wonderful tenacity for "auld laws and lovable customs"; they held well together; and they knew no such risings of class against class as that of Wat Tyler in the sister kingdom.

Laxities of Parliament.

Yet the early Scots were not sufficiently careful of their Parliamentary privileges. For example, the Committee of Articles appointed in 1535 were authorised to make acts with the whole force of Parliament, and they used that power by even imposing a tax. During later and perhaps worse times, the election of the Lords of the

[1] Burton, vol. iii.

Articles "became the great job and juggle of the session." Matters went on thus till the reign of Charles I., when it was decided in 1633 that the bishops should choose eight lay peers, these lay peers elect eight bishops, and these sixteen elect eight commissioners of shires and eight of burghs. Parliament then came to its last degradation, meeting only on two days of the session, the first and the last, the first to choose the Lords of the Articles and the last to give their sanction to what they proposed. The Lords of the Articles were abolished at the beginning of the Civil War; and although the committee was revived in the same form after the Restoration, its power and that of Parliament itself was soon suppressed, when an act was passed "that whatever the King and Council should order respecting all ecclesiastical matters, meetings, and persons should have the force of law." Up to the end of the reign of James II. of England this arbitrary government obtained. In the early Scots Parliaments the King was often present, overawing in part all the Estates; and there was no Speaker to guard and assert the liberties of the Commons.[1]

Abuses of the King's prerogative.

Among the grave constitutional defects from which Scotland suffered was the King's prerogative of revoking all grants made during his minority, which proved "a tremendous engine for unsettling the tenure and right of property in Scotland." With this prerogative was associated the statute of annexation, which declared all grants of Crown lands of a certain class to be incurably null and void. The excessive number of regalities and private jurisdictions was another serious evil. "These heritable jurisdictions, perhaps more fatal to political liberty than to justice between man and man, destroyed the independence of the Commons." The jurisdictions existed in all directions; they were not dealt with by the Act of Union; and they were only abolished by an act passed after the suppression of the rising in 1745.

[1] Innes's *Scotch Legal Antiquities.*

Laws affecting the subject.

The freedom of the subject, moreover, was much less protected in Scotland than in England. There was no *habeas corpus*, or anything equivalent to it. The practice of judicial torture survived for a short time after it had ceased in England ; and the power of putting the dead to trial for treason, borrowed from the law of Rome, was not abolished till after the Union. The law affecting treason also was vague and wide, but the Scotch had not before the Union that terrible concomitant of treason law, the power of punishing the posterity of traitors through the "corruption of blood."

General progress.

The better aspect of the constitutional picture, however, shows what noble work had already been accomplished. The last claim of serfdom proved in a Scotch court was in 1364, though the institution of slavery still remained to be grappled with and overthrown. In Parliament, the earliest laws we read of were passed in favour of the poor people who tilled the soil, and likewise in favour of the education of all classes of the community—first the barons' sons, and later the class that required an endowment of parish schools. In other directions, individual freedom was secured, justice was well administered, the general well-being of the community was fostered, the privileges of the burghs were extended, and the power of the sovereign for evil was curtailed. These were no mean advantages for the Scottish nation to have gained in this early stage of its constitutional history, and before the influences of the Reformation had permeated the length and breadth of the land.

CHAPTER II.

FROM THE REFORMATION TO THE UNION.

The Book of Discipline.

The Parliament of 1561, desirous of consolidating the work of the Reformation, gladly accepted the Confession of Faith; but it declined to sanction the Book of Discipline, drawn up by Knox and his fellow-Reformers as a basis for a reorganisation of the Protestant Church and its practice. Many influential men in the Estates were unwilling to submit to certain stringent restraints which the book would have enforced, for it dealt radically and comprehensively with practice as well as with faith.

Act of Oblivion.

Two years later the Estates met and passed an Act of Oblivion, to protect from prosecution all concerned in the troubles immediately preceding the Queen's arrival. The protecting clauses covered the period from March 6th, 1558, to September 1st, 1561; but the great object of the act was to secure from dispute the transactions with regard to Church lands during that time, a matter into which even many Protestant laymen did not desire a very close scrutiny.

Witchcraft.

The first germs of a persecution which afterwards gained force in Scotland appear in an act passed by this Parliament against witchcraft, whereby all persons, of whatsoever estate, degree, or condition, were forbidden to use any manner of witchcraft, sorcery, or necromancy, under pain of death, "as well to be execute against the

CHAP. II. From the Reformation to the Union.

user and abuser as the seeker of the response or consultation."

Parliament of 1567.

The Parliament which assembled at Edinburgh in April, 1567, after the murder of Darnley, and when Bothwell had gained the ascendency, was really an assembly called together in the interests of the Queen. The Archbishop of St. Andrews and four other prelates, twelve noblemen (including Bothwell and Argyle), and a few commoners represented the Legislature of Scotland. Important statutes were passed, however, affecting the Church and other matters. An act in favour of religious peace and toleration, intended to bribe the Protestants, promised and reiterated protection to all persons in the exercise of their religion, without specifying the nature of the religion or defining the characteristics of Protestantism as distinguished from the tenets of the Church of Rome. The project of representation in the Estates also came up, when it was ordered that the barons of each shire should elect commissioners to represent them in Parliament, and that the barons be mulcted for their expenses. The Estates further passed many ratifications of gifts of private estates. Bothwell's right to his barony and lordships of Hailes, Crichton, and Liddesdale, and all his other lands, lordships, baronies, castles, etc., was confirmed. By his inherited territories and the grants and distinctions now conferred upon him, Bothwell acquired overwhelming wealth and influence. Lethington and Chambers, the latter one of the Lords of Session, were well provided for, and Morton and the Queen's illegitimate half-brothers were confirmed in their acquisitions and dignities, while Huntly had restored to him a large part of his hereditary domains.

Law of defamation.

The Queen now for the first time formally recognised the Reformation; but, in order to silence mutinous tongues, it was enacted that, "whereas writings had been set up to the slander, infamy, and reproach of the Queen's Highness and divers of the nobility, the Queen and Estates ordained that in time coming, when any such placard or defamation was found, the person first seeing

the same should take it or destroy it, that no further knowledge nor copy should pass of the same; if such person failed therein, and either the writing was copied or proceeded to further knowledge among the people, the first seer and finder should be punished in the same manner as the first inventor and upsetter, if he was apprehended; the defamers of the Queen should be punished with death, and all others with imprisonment at the Queen's pleasure."[1] This act, dealing with anonymous libels and denunciations, was practically a reproduction of part of the old Roman law, being little more than a translation of the provisions in the forty-seventh book of the Pandects.

The Queen abdicates.

Mary married Bothwell in May, 1567, but in the following month there was a rising of discontented lords. Bothwell fled, and the Queen surrendered to Kirkcaldy of Grange at Carberry Hill. She was taken to Lochleven Castle, where on July 23rd she signed a deed of abdication, and appointed Murray regent of the kingdom during the minority of her son.

The Casket Letters.

The famous Casket Letters came before the Parliament which met in December, 1567. These documents were supposed to be a correspondence between Bothwell and Mary Stuart, which fell into the hands of the Earl of Morton after Bothwell's flight from Carberry Hill. It was upon one letter from the Queen to Bothwell that the charge against Mary of complicity in Darnley's murder was founded. The letters were laid before the Scotch Council of Government, and now came before Parliament to be adjudicated upon. Although many of the Queen's partisans were present, they do not appear to have stood forth in her defence. Lord Herries, with one or two others, protested, not against the truth of the charges, but against any step which would be "prejudicial to the honour, power, and estate of the Queen." Nevertheless acts were passed setting forth the nature of the documents, and affirming their genuineness. "Anent the

[1] Proceedings of Parliament, as given in Bishop Keith's history of this period.

CHAP. II. From the Reformation to the Union.

retention of our sovereane lord's motheris person," said the Estates in defending their action, it was to be attributed to "her aun default, in sa far as be divers her privie letters written halely with her aun hand, and send be her to James, sometime Earl of Bothwell, chief executer of the said horrible murther, as well before the committing thereof as thereafter."[1] Another act declared it to be most certain from the Queen's letters to Bothwell, "and by her ungodly and dishonourable proceeding to a pretended marriage with him, that she was privy art and part of the device and deed of the murder, and therefore justly deserved whatever had been done to her. Indirect counsel and means had been used to hold back the knowledge of the truth, yet all men were fully persuaded in their hearts of the authors and devisers of the fact. The nobility perceiving the Queen so thrall and so blindly affectionate to the private appetite of the tyrant, and perceiving also that both he and she had conspired together such horrible cruelty, they had at length taken up arms to punish them."[2]

Mary repudiates them.

Mary denied the authenticity of the letters, and demanded to see the originals, but this request was not granted. It must be borne in mind, however, as Burton has pointed out, that the theory of forgery "seems to have become prevalent only after any appeal to the original writings, and to the recollection of the persons referred to in them, had ceased to be practicable." In October, 1568, the letters were produced before the English Commissioners at Westminster, when, after being compared with some other of the Queen's writings, they were accepted as genuine. English and foreign historians have differed widely on the subject of these documents, but those bearing the greater weight accept their authenticity.

The Reformation statutes ratified

Having dealt with the Queen, the Parliament of December, 1567, which had been summoned by the new regent, Murray, proceeded to other work. It ratified

[1] *Acts of the Scots Parliament.*

[2] Acts of Parliament begun at Edinburgh December 15th (Anderson's *Collection*).

the acts passed in 1560 for abolishing Popery and establishing a Protestant Church; enacted that a third of the benefices of the realm should be set aside for the suffering clergy; and granted an amnesty to Huntly, Argyle, and Herries, who had aided the Hamiltons against the regent, which amnesty was made general to all who would agree to conform to the new government. Murray's Protestant zeal led to great opposition. He obtained from Parliament the prohibition of the Catholic religion, under pain of death, in all parts of Scotland. But the act cost him dear, for a large minority which supported the protests of Caithness and Athole and the Bishop of Murray, "went over in a body at the close of the session to the side of disaffection and the Hamiltons."

The Hamilton conspiracy.

In July, 1569, the Scots Estates met amid great popular excitement. Murray's enemies, the Hamiltons, were working indefatigably against him, and concerting measures for bringing back Mary and ousting the regent. Murray seized the chief conspirators, including Lethington and Balfour, and then turned his attention to reducing the Border. In August, Parliament arraigned thirty persons for trial. Seventeen of them were Hamiltons, including two of the sons of Chatelherault, and the virtual head of the house, the Archbishop John. The indictments were in Latin, after the solemn form of the High Court of Parliament. While the overt act of treason alleged was an attack on the regent and his forces, the accused were charged with rebellion against King James, to which they were seduced by his Majesty's mother, who attempted to usurp his crown. As the accused did not appear before the Estates, they were formally declared "forefaulted" or outlawed, a comprehensive sentence perilling their lives and estates.

The Regency

After the assassination of Murray on February 23rd, 1570, by Hamilton of Bothwellhaugh, Lennox was appointed regent, but he was mortally wounded at Stirling in September, 1571. Parliament then met and elected the Earl of Mar, who filled the office of regent with moderation and great acceptability until his death on

CHAP. II. From the Reformation to the Union.

October 28th, 1572. The King's party had failed in their effort to hold a Parliament in Edinburgh in 1571, but one was solemnly opened in the Queen's name and interests. It met in the Tolbooth, the legitimate place for the assembling of the Scots Estates, but it was very sparsely attended. Mary sent a message declaring that her abdication had been obtained by force, and the old government was revived, with sweeping acts against its enemies. These fulminations, however, were rendered innocuous by subsequent history.

The Estates in 1572.

When the real Parliament of the nation met in February, 1572, there was some difficulty about its ancient symbols, for these were held by Lethington, Grange, and the small band which still remained true to the Queen, who were known as "Castilians," and who had entrenched themselves on the top of the Castle rock of Edinburgh. However, Angus carried the crown, Argyle the sceptre, and Morton the sword; but they "were made of brass, and double overgilt with gold, because the principal jewels were in the castle of Edinburgh and might not be had." The Estates dealt chiefly with ecclesiastical matters, and a stringent statute was passed for the suppression of Popery and for the maintenance of "the trew and haly Kirk." That Kirk was directed to act through "the lawful archbishops, bishops, superintendents, and commissioners of the dioceses and provinces of this realm by themselves, and the ministers and readers serving at the kirks within their charges." An Act of Indemnity was next passed for the security of those of the Queen's party who had conformed, naming in particular the Earls of Argyle, Eglinton, and Cassilis, and the Lords Boyd, Maxwell, and Herries. The property of all citizens who had remained in Edinburgh during the war as adherents of the Queen was made convertible by another statute into a fund for indemnifying the citizens of the King's party who had suffered loss by the destruction of their houses or in other ways.

Important events.

John Knox, the great moving spirit of the Reformation, died on November 24th, 1572, and on the same day,

at a large meeting of the Estates, James Douglas, Earl of Morton, was elected regent. Not long before, a wave of indignation had passed over Scotland on the reception of the news of the terrible crime of St. Bartholomew's. It accentuated the feeling of the Protestants for their Kirk, and their animosity towards the Romish Church and its adherents. Edinburgh Castle, which had given a good deal of trouble, fell in the succeeding year (1573), and vengeance was exacted upon the Queen's partisans. Morton was now left firmly established in power.

Parliament of Stirling.

A period of national quietude and prosperity ensued, but after a lapse of four or five years Morton's enemies began to move vigorously, and the regency was anything but a bed of roses. Difficulties arose as to the possession of the King, the formation of a guard or regiment to protect his person, and the disposition of the Crown jewels and other property which Morton had recovered and held in Edinburgh Castle. It was only with much circumspection that a civil war was avoided. In 1577, while party contentions were at their height, the regent summoned a Parliament to be held in the great hall of Stirling Castle, instead of at Edinburgh, which was then much disturbed. The Estates met as directed, and set to work in a business-like manner. Among the acts passed was an important one for "the ratification of the acceptance of the regiment upon the King's Majesty in his own person." Another statute indemnified the regent for his past conduct, and relieved him from all responsibility or liability to be questioned concerning "the administration of his regiment, Castle of Edinburgh, munition, jewels, and others being therein." Action was then taken against the Hamiltons. The Earl of Arran, who had succeeded to the late Duke, was a hopeless maniac; but his younger brothers, John, Commendator of Arbroath, and Claud, Commendator of Paisley, were summoned to plead to the charges to be advanced against them in Parliament. They retired within their fortresses, were besieged, and escaped. Parliament then proceeded to indemnify the Commis-

sioners who had been deputed to act against them, declaring them to have rendered good and lawful service to his Majesty. Acts were next passed for the destruction of the castles of the Hamiltons and the forfeiture of their estates, which were afterwards conferred upon James Steward, a son of Lord Ochiltree, created Earl of Arran.

Morton condemned.

Morton, who had for a brief period lost his power, but fully recovered it again, was arrested in January, 1581, for the murder of Darnley. He was brought to trial before the High Court of Justiciary, when a jury of sixteen was empannelled, eleven of them being Lords of Parliament, and the others barons. The regent was condemned, and it was decided that the proceedings should be inscribed not only on the records of the court, but also on those of the Estates of Parliament, with the Great Seal and the seals of the Estates appended, "for the fortification, approbation, and confirmation thereof." Morton was executed June 2nd, 1581, and his estates were forfeited.

The King, the Estates, and the Church.

After the plot for the King's detention in Doune Castle and the incident known as the "raid of Ruthven," James went on to Perth, from thence to Stirling, and finally to Holyrood, where he held a Parliament in October, 1582. An Act of Indemnity in favour of the Ruthven conspirators was passed. This statute recited the evils to which Scotland was subject, and from remedying which the King was restrained by the machinations of evil men, until certain gallant and devoted subjects came to his rescue, to wit, the Earls of Gowrie, Mar, and Glencairn. The Second Book of Discipline, which was chiefly the work of Andrew Melville, came before this Parliament. It was intended to complete the polity of the Church on the Presbyterian system, and was practically a compressed edition of the Huguenot discipline adopted at the first National Synod of the Reformed Church of France, held at Paris in 1559. The Estates, however, declined to adopt and sanction this second book, much to the chagrin of its authors. A succeeding Parliament—

that of 1584—legislated vigorously against various ecclesiastical developments. One act was directed against the perfect independence combined with absolute rule claimed by certain Presbyterian clergy; another referred to "seditious and contumelious speeches" uttered in the pulpit, and enacted that the King's authority, enforced through the established judicatories, should have effect over all his subjects, whatever their degree or condition, spiritual or temporal. But Parliament, reserving its constitutional rights, decreed, in the King's name, "that the honour, authority, and dignity of the Three Estates shall stand and continue in their own integrity, according to the ancient and lovable custom observed in time bygone, without any alteration or diminution." The legislative and judicial powers assumed by the clergy when they met in assemblies were declared to be unauthorised innovations on the old constitution of the country, in which the Estates of Parliament were the supreme power. Excepting the established judicatories, none were to presume to call together councils, conventions, or assemblies. All beneficed clergymen were required to take a declaration agreeing to conform to these laws, or they were to forfeit their benefices; and the test was rigorously exacted.

League with England.

The Parliament of 1585, which sat at Linlithgow, ratified the league with England. An important constitutional point was herein involved. When the question of the league had first been brought forward by England some months before, there was no regular sitting of the Estates. But a body consisting of members of the Estates formed themselves into a committee, and adjusted an arrangement to be laid before a full Parliament for ratification. This committee, in a written document subscribed by all the members, authorised the King and his council to represent the Estates of Scotland in concluding the league; and vindicated this exceptional process in the preamble, narrating the imminent danger to the Protestant cause from the combined action of the Popish Powers, and "considering the great and urgent

CHAP. II. From the Reformation to the Union.

necessity of the said league, and how the same may be na langer protracted nor without peril deferred to a more solemn convention of the hail Estates in Parliament." One section of the document allowed the Scots to maintain the ancient alliance with France by "providing always that the said league be without infringing or prejudice in any sort to any former league or alliance betwixt this realm and any other auld friends and confederates thereof, except only in matters of religion, whereanent we do fully consent the league be offensive and defensive." The meaning of this authorisation to James is plain. The Estates, even though not sitting, were resolved upon adhering tenaciously to the privilege of deciding all questions of peace and war, including the negotiation of treaties.[1]

Changes in the representation.

The principle of representation was further elaborated in the session of 1585. An act was passed which, after reciting how necessary it was that the King and Estates should be well informed of the needs of all subjects, especially the Commons of the realm, directed that all freeholders of the King under the degree of prelates and lords of Parliament should elect commissioners to Parliament annually for each shire, but that none have votes save such as had forty shillings in land in free tenantry held of the King, and had their usual dwelling within the shire. Other important legislation was effected in 1587, when the King ratified in full Parliament the preceding acts, and ordained commissioners to be elected at the first head court after Michaelmas yearly, their names to be notified to the director of the chancellery by the commissioners of the preceding year. The act also declared that the commissioners, authorised with sufficient commissions, which must be sealed and subscribed by at least six of the barons and freeholders of the shire, should be equal in number to the commissioners of burghs on the articles, and have votes in Parliaments and General Councils in time coming. "From the period

[1] *Scots Acts of Parliament* and Burton's *History*.

of this last act at least, the representatives of the small barons or freeholders formed a considerable proportion of every Parliament, where they were classed and entered as a separate estate," though by the theory of the Constitution as received by the old lawyers they formed a portion of the baronage.[1]

Execution of Mary.

Before the execution of Mary at Fotheringay on February 8th, 1587, certain members of the Estates held a meeting to encourage and instruct the ambassadors sent to intercede with the Queen of England; but it was not a regular Parliament, and no account of the proceedings appears in the acts. There was no other public movement in favour of the hapless Queen. The Parliament which met in the succeeding July passed an act entitled "The King's Majesty's General Revocation." This statute was a very comprehensive revocation of all grants to the prejudice of the Crown made either by the King's "umwhile dearest mother" before his coronation, or by himself in his minority, excepting those conferred by act of Parliament.

Triumph of Presbyterianism.

The triumph of Presbyterianism in Scotland was complete in 1592, when Parliament legislated in its favour with clearness and decision. But although Episcopacy was abolished, and the Presbyterian system legally established, it was but formal legislation. Scots acts of Parliament generally followed the popular sentiment, and, unlike the English acts, which resemble the laws of the Medes and Persians so long as the letter of them remains on the statute-book, they often fell into desuetude. In England a statute can be acted upon after the lapse of centuries, and until it is expressly repealed; but in Scotland it was frequently virtually repealed by falling into oblivion. "An act of the Estates had in a great measure the character of a vote or resolution by a popular assembly, which might be forgotten when the popular feeling that had carried it was weakened."[2] This dis-

[1] *Scots Acts* and Innes's *Legal Antiquities.*

[2] Burton's *History.*

CHAP. II. From the Reformation to the Union.

tinction accounts for the slightness of the real change produced by the otherwise very important act of 1592. The act of 1584 authorising the Episcopal hierarchy was repealed, and the Church was to consist of a General Assembly, provincial assemblies or synods, presbyteries, and the Kirk Sessions attached to individual spiritual charges. The King or his commissioner was to be present at the deliberations of the General Assembly—a provision which in later times was strongly protested against; and before the dissolution of the Assembly, the King was to "nominate and appoint time and place when and where the next General Assembly shall be halden." A subsequent statute, of brief but stringent character, gave the Church powers of severe punishment over obstinate and disobedient persons.

Ecclesiastical reaction.

The legislative supremacy of the Presbyterian polity and discipline was not, however, of long duration. In the course of a few years the General Assembly was scandalised by "the common corruption of all estates within this land," and the Episcopalians began to wax bold. Symptoms of the ecclesiastical reaction were strongly apparent in 1597, when the Estates passed a significant act, giving such as might be appointed to prelacies votes in Parliament. But while a prelate was to be a lord of the secular Parliament, the act gave him no spiritual jurisdiction over the clergy. The proposal to admit the prelates to Parliament had the advocacy of the able Secretary John Lindsay, of Balcarres, who hoped thereby to counterbalance to a certain extent the votes of the heads of the great feudal houses. The idea was that Parliament should "step in some degree into the place that was occupied by the body which bore the same name in England, so as to give full play to all the social forces which existed in the country, and to support the Crown in its efforts to mediate between the nobility and the clergy."[1] The Assembly came to a compromise with the King on the matter. At its meeting at Dundee in

[1] Gardiner's *History of England*, 1603—1642.

1 98, it decided by a small majority that fifty-one representatives of the Church should vote in Parliament; and the election of these was to pertain in part to the King and in part to the Church. But what the King really wanted was an episcopacy which should keep the clergy in order and support his own authority, and not a body of men in Parliament which should act as a check upon the temporal lords. There was at last an open breach between James and the Presbyterian clergy, and the differences were embittered by the publication of the King's work *The Basilicon Doron*, in which were asserted the Divine right of the sovereign and his uncontrolled authority over all orders of men. Another step towards Episcopacy was taken on October 14th, 1600, when James summoned a convention of commissioners from the various synods, whose consent he obtained to the appointment of three bishops in addition to the few surviving from amongst those formerly nominated. These new bishops took their seats and voted in the ensuing Parliament, but as they had not been nominated by the General Assembly, but by a convention, they had no right to act in the name of the Church; their rank could only be equivalent to that derived from a civil appointment by the Crown.

James becomes King of England.

James's difficulties were no doubt great, and he was anxious to discover a *modus vivendi* between the conflicting parties and interests. The mysterious plot against the King, known as the Gowrie conspiracy, was the chief incident of the year 1600. In March, 1603, James succeeded Elizabeth as sovereign of England, being crowned king at Westminster in July of the following year. James VI. of Scotland thus became James I. of England, and united the two countries under one monarch.

Episcopacy restored in Scotland.

In 1606 James resolved upon the restoration of Episcopacy in Scotland, and the Estates met at Perth and proceeded forthwith to legalise his plans. An act was passed for the restoration of the order of bishops "to their ancient and accustomed honours, dignities

CHAP. II. From the Reformation to the Union.

prerogatives, privileges, livings, lands, etc." In February, 1610, two courts of high commission were erected by an act of the prerogative, one for each province, to consist of bishops, the archbishop presiding. They were afterwards united into one, whose duty it was to deal with questions of discipline and correction ; but its activity was short-lived, and its judgments were subject to revision by the Court of Session, the supreme civil tribunal of the realm. With regard to the acts dealing with the dignities and temporalities of the bishops as lords of Parliament, it was deemed desirable that legislation dealing directly with spiritual functions should come before the General Assembly for sanction. This was done at Glasgow in 1610, when various important decisions were arrived at. The collective ecclesiastical bodies moulded on the Presbyterian system were not abolished ; the General Assembly was to hold its meetings as authorised by the Crown ; the bishops were to be permanent moderators of the provincial synods ; though presbyteries were not expressly abolished, no place was left for them in the new hierarchy ; and no acts of discipline, etc., affecting ecclesiastical rights were to be valid without the sanction of the bishop. Parliament ratified all these adjustments in 1612, but ignored the resolution of the Assembly that the bishops should be liable for their public and private acts to the censure of General Assemblies.

Parliament of 1617.

The Parliament of 1617, which met at Edinburgh, passed further important acts re-establishing Episcopacy. One statute passed for perfecting the structure of the new hierarchy by the restoration of the dean and chapter of each see had really a much wider scope than this. The election of the bishop by the Crown presenting and the chapter electing was affirmed, but the most important part of the measure was the restoration of the temporalities of the deaneries, canonries, and prebends' stalls, so far as they could be recovered. Another act, "little noticed in history," says Burton, effected a great change in the condition of the clergy. Described as an

act "anent the plantation of kirks," it set forth that there were many kirks without ministers and many others with ministers, but no provision or maintenance, and it therefore appointed an independent Parliamentary commission of thirty-two persons, being eight out of each estate—prelates, nobles, lesser barons, and burgesses. Out of the teinds or tithes they were to assign a stipend to the minister of each church, the minimum allowance being of the value of £27 15*s.* 6*d.*, and the maximum £44 9*s.*[1] From this time forward the complaints of the clergy respecting their incomes were much less frequent. An attempt was made in this Parliament to assert the King's prerogative over the Church, but the proposal excited so much opposition that it was withdrawn.

The Five Articles of Perth.

James's religious innovations became more daring, however, and the Parliament of 1621 passed "The Five Articles of Perth," which had been adopted by the General Assembly. These articles enjoined kneeling at the Sacrament and the keeping of saints' days and holy days, permitted communion in private houses in case of sickness, allowed private baptism on necessary cause, and ordered confirmation by the bishop of children eight years old. These Popish observances were distinctly at variance with the spirit of the Reformation, and the bitter religious struggle between the Stuarts and the Scottish nation may be said to date from their imposition. There was great excitement during the meeting of the Estates, and as a terrible storm broke forth just as the grand commissioner was giving the royal sanction to the acts, a well-known historian of the period observed that "God appeared angry at the concluding of the articles."[2] The act of the Estates authorising the Five Articles is "the only statute on the face of the records of the Scots Parliament which either authorises or dictates on matters of religious ceremonial." It was superseded by various laws passed during the Civil War, but it was never

[1] *Scots Acts*, vol. iv., and Burton's *History*, vol. vi.
[2] Calderwood's *History of the Church of Scotland.*

CHAP. II. From the Reformation to the Union.

expressly repealed; and it is further remarkable that, while the statute was most express in its injunctions, there was no penalty or punishment laid upon offenders.

Policy of Charles I.

After James's death in 1625, the work of restoring Episcopacy and asserting the King's supremacy was continued with vigour. As soon as he came to the throne, Charles I. revoked all grants by the Crown and all acquisitions to the prejudice of the Crown, whether before or after his father's Act of Annexation of 1587. This sweeping proclamation affected the vast ecclesiastical estates which had passed into the hands of the territorial magnates from the Reformation downwards, and included those grants which had been fortified by a Parliamentary title in being confirmed by acts of the Estates. It was the beginning of that foolish and oppressive policy which ultimately cost Charles his crown and his life. The Scots Parliament of 1633, at which the King was present, ratified the arrangements respecting Church property, and continued an impost of the nature of an income-tax which had been temporarily granted some years before in aid of the King's brother-in-law, the Prince Palatine.

The Lords of the Articles.

A struggle arose in this Parliament between the King and the Estates on the constitution of the Lords of the Articles. There being no representative body in Scotland like the English House of Commons, which could meet in its own place without being overawed by the presence of the King, business, as we have seen, devolved upon the committee called the Lords of the Articles, who settled all the details of legislation. As the Estates were compelled to accept or reject the bills prepared by the Lords in their entirety, and as the Lords of the Articles were so constituted as to represent as far as possible the wishes of the King, it is obvious that the real legislative powers of the Estates were very small indeed. At this time the Lords of the Articles were thirty-two in number, and the election was so manipulated on behalf of the Crown that the majority in the Estates had practically no voice. Eight bishops were first elected, who went with the Crown, and these chose eight barons,

who of course would also support the King. The bishops and nobles combined then chose eight of the untitled gentry and eight of the commissioners for burghs. If all these sixteen had opposed the Crown they would not have turned the scale ; but, besides the fact that many of them were no doubt on the King's side, the sovereign had the further right of adding eight officers of state to the committee thus constituted and of appointing his chancellor as president. Further, he might himself attend the deliberations of the Lords of the Articles. Parliament asserted that each Estate had the right to elect its own delegates ; but while this was the common-sense view, and indeed the only fair one, precedent was hazy upon the matter, so that it was impossible to withstand the innovation.[1]

Obnoxious legislation.

When the bills came before Parliament, there was one which not only confirmed an act made in 1606 acknowledging the royal prerogative, but also gave power to the King to determine the apparel in which judges, magistrates, and the clergy were to appear in public. This provision was very obnoxious to many in the Estates, and complaint was made that it compelled them either to vote undutifully on the point of prerogative, or unconscionably on Church innovations. Charles refused to receive a petition condemning the acts and a proposed new tax which weighed upon all landowners in Scotland. During the crucial debate in the Estates, the Earl of Loudoun rose and questioned the propriety of joining the confirmation of two acts in one bill, but the King angrily told him that "the orders of the House" were "not to dispute there, but to vote." The division was taken amid great excitement and solicitude, and a majority appeared on the King's side, though there is every reason to believe it was a small one. Charles himself took down the names of the members, and it was said afterwards that there was a majority against him, which he concealed ; but this story has been shown to be erroneous.[2] "Of

[1] *Scots Acts* and Burton and Gardiner's *Histories*.

[2] Napier, *Montrose and the Covenanters*, and Burton and Gardiner.

thirty-one acts and statutes concluded in this Parliament," said a contemporary writer, "not three of them but were most hurtful to the liberty of the subject, and, as it were, as many partitions to separate the King from his people. This Parliament was led on by the Episcopal and Court faction, which thereafter proved to be that stone which afterwards crushed them in pieces, and the fuel of that flame which set all Britain afire not long thereafter."[1]

Renewal of the Covenant.

This was no exaggeration; the Parliament of 1633 marked a critical epoch. Henceforth there was hostility between the Scots nation and Estates and the King. In 1637 Charles's attempt to displace the liturgy of John Knox by that of England drove his northern subjects into rebellion. The Covenant was renewed and signed all over Scotland, and it soon became the Protestant war-cry. It was amid circumstances of grave national anxiety that the Estates met in 1639, not in the old and dingy apartments of the Tolbooth, but in a new great hall, with fine roofwork of oaken beams, which became one of the most admired structures of Edinburgh. The Parliament first met on May 15th, but it was twice adjourned by the King, and ultimately it reassembled for the transaction of business in August. Its earliest act was to protest against the election of the Lords of the Articles by the first Estate, and for the present Parliament a compromise was arrived at by which the Earl of Traquair, the King's High Commissioner, selected eight members of the nobility, the majority of whom were supporters of the Covenant. These eight then selected eight from the lesser barons or country gentlemen, and eight burgesses. Disputes next arose on an Act of Indemnity and other matters, and Traquair sent to London for instructions, meanwhile adjourning the Estates. Charles perceived that there must be some remodelling of the Lords of the Articles; but he wrote to Traquair, with regard to the general situation, that, while he consented to the abolition

[1] Sir James Balfour's *Annals*.

of Episcopacy, he would not consent to any act rescinding the existing laws by which Episcopacy had been established. This was equivalent to declaring that he would show no favour to the Presbyterians.

Struggle between the King and the Estates.

The Marquis of Montrose conceived a scheme for abandoning Episcopacy and relying upon the royal power, but this failed, and laid him open to suspicion. The Earl of Argyle then stepped in with a policy for conciliating the middle classes. He saw that the constitution of the Lords of the Articles must be made to harmonise with the prevailing Presbyterian sentiment; and with great difficulty, and by a majority of one only, he carried a vote at a sitting of the Lords of the Articles, that henceforth each Estate should choose its own representatives in that body. By this decision the barons and burgesses would be represented by sixteen votes, the nobility by eight only, and the King by none at all. Thus the business of the Estates would pass into the hands of a body really representative of Parliament itself. This reform was submitted to the King, together with other legislative changes by which Episcopacy was to be abolished, bishops were to be deprived of their votes in Parliament, a general taxation, to include Royalists, was to be levied for the expenses of the late war, and the command of the castles of Edinburgh, Stirling, and Dumbarton was to be given to Scottish subjects only, nominated by the King, but sanctioned by the Estates. These suggestions made it clear that Parliament claimed the supreme authority in Scotland, and Charles determined to resist.

The Estates reconstituted.

The Estates reassembled on June 2nd, 1640. Charles sent instructions to adjourn or prorogue the meeting, but as no one appeared on his behalf, and there was no royal command formally and officially before the House, the Estates proceeded to business. The King's Commissioner was not present, and Robert, Lord Burleigh, was elected president, his functions combining those of the Lord Chancellor and the Speaker in England. The Covenanting lawyers and divines gave it as their opinion that Parliament might lawfully sit without the presence

CHAP. II. From the Reformation to the Union.

either of the King or of his Commissioner. They even affirmed that "a king who sold his country to a stranger, who deserted it for a foreign land, or who attacked it with an invading force, might lawfully be deposed." The Estates then initiated their war with the King. Charles, in the Large Declaration, written in justification of his Scotch policy, had spoken strongly of the practical difficulty which must beset a Parliament without bishops, but the Estates at once brushed this difficulty aside. They rearranged themselves into three chambers: the greater barons were called the nobility; those who represented the smaller freeholders, and who were equivalent to the English knights of the shire, were styled the barons; and the burgesses formed the third Estate. This reorganisation was accomplished under "an act anent the constitution of this Parliament and all subsequent Parliaments." The Estates, in the absence of the bishops, pronounced "this present Parliament, holden by the nobility, barons, and burgesses, and their commissioners—the true Estates of the kingdom—to be a complete and perfect Parliament, and to have the same power, authority, and jurisdiction as any Parliament formerly hath had within this kingdom in time bygone."

They defy the Crown,

The Estates, indignant at the attempt of the King to forcibly close the sittings of 1639, and further incensed by the refusal of the Court to receive their deputed commissioners, Lords Loudoun and Dunfermline, proceeded to defy the Crown. Seeing that all their efforts to come to an understanding with the King had been met with contumely, they resolved, for the prevention of the utter ruin and desolation of the Kirk and kingdom, to abide together until the business before Parliament was completed. The King's Large Declaration was stigmatised as "dishonourable to God and His true religion, to this Kirk and kingdom, to the King's Majesty, and to the Marquis of Hamilton, then his Majesty's Commissioner, and divers other persons therein, and to be full of lies." It was directed that the authors and spreaders thereof should be severely punished. The Estates then confirmed the proceedings of the General

Assembly, and adopted the Covenant as an act to which all citizens were to subscribe under penalties against defaulters, members of Parliament themselves leading the way by accepting the test. Legislative work proceeded with vigour. Triennial Parliaments were voted; the importation of arms was facilitated; a system of taxation was organised under which defaulters were to be treated as non-Covenanters; arrangements were made for the distribution of the vacated revenues of the bishops; and a Puritan spirit was infused into legislation generally. But the most important statute passed by the Estates was one appointing a permanent "Committee of Estates" to act when Parliament was not sitting. It consisted of representatives of the Three Estates as newly constituted, and this important body was empowered to perform its functions in the camp as well as at the seat of government.

and adopt the Covenant.

Charles in Scotland.

Charles proceeded to Scotland in August, 1641, for, in view of his English difficulties, he was anxious to conciliate the Scots. Visiting Parliament, which was then in session, "he offered to touch with the sceptre, and so convert into law, all the acts which he had so long resisted," but the Estates claimed more consideration than this. The King duly made a pacific speech from the throne, and Burleigh, the president, in the name of the House, "made a pretty speech to his Majesty of thanks for all the former demonstrations of his goodness." There was thus outward agreement, but the Estates went on their own way, and promoted Leslie, who had openly opposed Charles, to the dignity of Earl of Leven. Argyle was created a marquis, and the erstwhile imprisoned Loudoun was made Chancellor. The Court of Session was reconstituted to admit staunch Covenanters like Johnston of Warriston.

The "Incident."

In September Charles was still very hopeful of Scotland from his own point of view. On the 16th an act was passed according to which the King was to choose his officers "subject to the advice of Parliament." He named his councillors, but was deeply chagrined to find that Argyle not only objected to one of the most important of them, Morton, but was himself determined to be master

CHAP. II. From the Reformation to the Union.

of Scotland.[1] Supported by the nation, Parliament not only claimed the right to reject the King's nominee, but to name its own; and the barons further demanded that their votes should be taken by ballot, and that no one who had taken the King's part in the late war should be admitted to any office in the State. Under these circumstances occurred what is known as the "Incident." Argyle and Hamilton were to be seized; and this coming to the knowledge of Parliament, an investigation was opened into the whole affair. Charles went down to the Parliament House in October, and after speaking of his friend Hamilton with tears in his eyes, demanded that justice should be done between himself and his enemies. The Estates were not so deeply concerned about the King as about the threatened seizure of two of their most prominent members, and a secret committee of investigation was appointed. The committee was unable to clear up all the points involved; but many rumours were afloat respecting the King's high-handed policy of governing Scotland on the same principles which he had endeavoured to apply in England, with the result of precipitating a civil war.

Acts of the Estates.

The rebellion in Ireland overshadowed the proceedings of the committee, and the Scots Parliament was asked to vote a thousand men to assist in the suppression of the insurrection. The Scots promised aid, and an auxiliary force went over to Ireland. The Estates then wound up their business, and concluding the session on November 7th, appointed their next meeting for the first Tuesday of the month of June, 1644. During this one session, from May 13th to November 7th, the Parliament had passed no fewer than three hundred and sixty-five Acts. But with regard to this portentous display of industry, it must be borne in mind that many of these statutes were merely executive and judicial deliverances, in respect to which the Scots Estates claimed a very comprehensive right of action.

[1] Gardiner's *History*.

Progress of events.

The Parliament of 1644 condemned to the scaffold Sir John Gordon, of Haddo—forerunner of the Earls of Aberdeen—for conspiring against the Estates. His death was followed by that of Sir Robert Spottiswood, who had been a leader in the struggle with Argyle. Amongst the charges against him was one of signing the commission to the Earl of Montrose to raise forces against the people and the Estates. Others also suffered for their hostility to the Parliament. In April, 1646, Charles took refuge with the Scottish army, but he proved a source of great embarrassment, and when the Scots withdrew from England, they surrendered the King into the power of the English Parliament. That step has been discussed in a preceding chapter of this work.

"The Engagement."

While at Newport, in the Isle of Wight, in 1647, Charles made a compact with the Scots Commissioners, known as "The Engagement," by which he agreed to support the Covenant and the Presbyterian party; whilst the Covenanters, on the other hand, agreed to assist him against the English Parliament. But when the Scots Estates met in January, 1649, the predominant party repudiated the transaction. The Engagement element was weeded out of the new Parliament, which proceeded to support Cromwell, and to exclude from public office all who had been concerned in the Engagement. Their disqualification was confirmed by statute, and much of the business transacted by recent Parliaments and the Committee of Estates was reversed. This important legislation was chiefly effected by a measure called the Act of Classes. Four classes of men were disqualified for holding office or sitting in Parliament, including supporters of the Engagement, enemies of the Covenant, and profane and non-worshipping persons. Many eminent individuals were fain to sit upon the stool of repentance, including the Lord Chancellor, Loudoun, who did so "with abundance of tears."

Important legislation.

Cromwell and the imperial representation.

The most important constitutional change which had occurred in Scotland for a lengthened period was completed in the time of Cromwell. The Protector was the first

CHAP. II. From the Reformation to the Union.

statesman who brought forward a well-considered scheme for the Parliamentary representation of the three nations; and he also fixed the proportion between the county and the burgh representation of Scotland. Under his direction the whole number of members who were to represent Scotland in the united Parliament was thirty: for the counties twenty, and for the burghs ten. The shires and burghs of Scotland were also for the first time grouped in Cromwell's second Parliament of the three nations, which met July 27th, 1654. To that Parliament four hundred members were summoned from England, thirty from Scotland, and thirty from Ireland. Twenty members were sent from Scotland to represent the shires, of which the smaller and less populous were grouped, and ten members were elected to represent the burghs. Edinburgh was the only constituency returning two members.

Members from Scotland.

During the Commonwealth there was but one Imperial House of Parliament, of which peers were sometimes members. A large proportion of the members sent to represent Scotland were either officers of the English army or officials of Cromwell's Scotch Government.

The clergy in Parliament.

The bishops, and also the heads of the regular religious houses, were long required to attend Parliament, as belonging to the spiritual estate; but clergy of an inferior station and income also appear in the lists of sederunts of Parliament. The bishops disappeared from Parliament after the Glasgow Assembly of 1638, and did not appear again until the Restoration, from which time till the Revolution the bishops alone filled the place of the first Estate.

The royal burghs.

Originally each of the royal burghs was required to send at least two representatives to Parliament, and it was not till 1619 that they were relieved of part of the burden. From that time, by an act of the Convention of Burghs—passed, however, without the sanction of Parliament—one member only was to be returned for each burgh except Edinburgh, which was still required to send two.

Settlement of Parliamentary forms.

The forms of Parliament were fixed by an act dated May 13th, 1662. It prescribed fines for absence and for late attendance, and enacted that none be admitted but

the "ordinar" members of Parliament, that is, the archbishops and bishops, noblemen, officers of state, commissioners from shires and burghs, the Clerk Register, and the deputes and servants employed by him to serve in the House. Admittance, however, without vote or voice, was allowed to the eldest sons of noblemen, to the senators of the College of Justice, to the Marischal, to the Lyon's ushers, to the justice deputes, to the King's agent, to one servant of the Lord Chancellor, two of the Constable, two of the Marischal, and one of the Advocate. It was ordered that in all debates no member was to interrupt another, or to direct his discourse to any but the Lord Chancellor or President; that all reflections should be forborne; that no man should offer at one diet and in one business to speak oftener than twice; and that no member of Parliament should leave the House until the meeting were dissolved. The *riding* of Parliament from Holyrood to the Tolbooth was the great solemnity and show of the season in the Scottish capital. From the time of James VI. downwards there were frequent disputes and protests concerning precedency and right of place and vote in Parliament; indeed, for a century or two this subject occupied the attention of the nobility and the lawyers more than any other.[1]

The Restoration.

After the restoration of Charles II., application was made by the Scots Estates to the King's Council for the return of a considerable mass of national records which had been removed to London during the Protectorate. "It is said that the reason for detaining the records was to discover and destroy the covenant signed by the King, if it could be found. They were shipped for Scotland before the end of the year 1661, but were lost on the way by shipwreck." But the Estates recovered the regalia, and it was with some pomp that the Parliament of 1661 opened, with John, Earl of Middleton, a self-made man, as the new Lord High Commissioner.

[1] *Acts of Parliament*, vols. vi. and vii., and Innes's *Scotch Legal Antiquities*.

CHAP. II.

From the Reformation to the Union.

Sweeping Acts of the Parliament of 1661.

The Estates effected an enormous amount of legislation. By the principal measure passed, the Act Rescissory, there were cut off from the body of the law all the statutes passed in the Parliament of 1640 and subsequently. This actually abolished all legislation after the year 1633, as the Parliament of 1639 passed no statutes. No act of the Scots Estates, says Burton, had ever accomplished so much as this. There were certain acts which ought to have been preserved, of a civil and ecclesiastical character, "but it was thought well to seize the opportunity and cast away the whole, leaving it to the diligence of succeeding Parliaments to restore all that related to the administration of civil and criminal justice, to commercial legislation, taxation, coinage, social institutions, and all the complex elements of the legislation of the seventeenth century." This abolition act was badly drawn, for it spoke of the rescinded statutes as invalid, and yet repealed them. During Charles II.'s reign measures were left to the Lord Clerk Register to be put into shape after their substance had been adopted; and Middleton hurried through the Rescissory Act in order to "dash bustling oppositions" and hostile petitions. It was followed by "an act concerning religion and Church government," which was really an act restoring Episcopacy. The settlement of the future government of the Church was put into the hands of the King, although existing arrangements were permitted temporarily to continue. The basis of the permanent Church system was to be that existing in 1633. Then on May 27th a statute was passed for the restitution and re-establishment of the ancient government of the Church by archbishops and bishops. The oppression of the Presbyterian clergy at once began, and it was decreed that they should be incapable of holding any benefice in the Church.[1]

Reactionary legislation.

The Covenant was publicly burned in London, and a Privy Council was erected for Scotland, which was to

[1] *Scots Acts* and Grub's *Ecclesiastical History of Scotland.*

exercise the supreme powers of the Estates during the intervals between the sessions. While the indemnity question was agitating England, Argyle was arrested on a charge of high treason, but the real reason for his seizure was that he was too powerful a subject to be at large. He was tried before the Estates, condemned, and executed.

Execution of Argyle.

In the session of 1662 an act was passed demanding a declaration of conformity from all persons in public trust. They were required to abjure the Covenant and the National League and Covenant as unlawful oaths. Clergymen who had become ministers since 1649 were ordered to obtain a presentation from the lawful patron, with collation from the bishop of the diocese. Those who complied were forsaken by their flocks, who began to gather in conventicles.

Act of Conformity.

What is called "The Drunken Parliament"—because there was only one sober man in the Council when it met on October 1st, 1662, at Glasgow—passed an act requiring the recusant and non-conforming ministers to remove themselves and their families out of their parishes within a month from the date of the act. Further time was subsequently granted for conforming, however, but ultimately three hundred and fifty ministers abandoned their benefices, drawing the greater part of their congregations with them. Penalties were then laid upon absentees by a supplementary statute known as "the bishops' drag-net." Another act of Council was "The Mile Act," which, like the English "Five Mile Act," was directed against the non-juring ministers. It was very stringent, and amounted to a sentence of banishment from their old parishes. No recusant minister was permitted to reside within twenty miles of his old parish, or within six miles of Edinburgh or any cathedral town, or within three miles of any royal burgh.

The "Drunken Parliament."

Oppressive religious statutes.

The High Commission Court, which was alike obnoxious to Englishmen and Scotsmen, was restored; and although, as Scotch historians have remarked, it was ostensibly constituted, as if by a cynical pleasantry, to assail the Papists,

The High Commission Court restored.

CHAP. II. From the Reformation to the Union.

its real purpose was to attack the Covenanters. This was speedily shown by its comprehensive powers. The court was not only authorised to proceed against "all Popish traffickers," but all obstinate contemners of the discipline of the Church; all keepers of conventicles; all proscribed ministers who remained in or near their parishes; all unlicensed preachers in private houses; all writers or speakers against the Establishment; all "busybodies" who should go about "corrupting and disaffecting people from their allegiance"; and in general all who showed themselves disaffected towards his Majesty's authority by contravening acts of Parliament or Council in relation to Church affairs.[1]

Decline in Parliamentary method.

The Parliament of 1662 passed the Billeting Act under peculiar circumstances. A vote of the Estates was to be taken for disqualifying for public office persons specifically named as not to be trusted on account of their previous political history; but on this occasion it was proposed to take the vote by ballot, to secure immunity from corrupting or intimidating influences. By this action Middleton hoped to crush the rising statesman Lauderdale. The ballot was taken, and the names of such as were billeted were to be concealed upon oath; only the Lord Clerk Register, "having a rooted quarrel against Southesk, did mark his billet with a nip when he received it, and thereby discovered his vote." Parliamentary method was at a low ebb at this time, and the Clerk Register was even recommended to the court for preferment because he had drawn up the acts of the session very advantageously to his Majesty's interest. On Middleton's own showing, the Parliamentary arrangements were ludicrously imperfect. The Scots Parliaments continued only eight days, the first of which was taken up in constituting the House and choosing the Lords of the Articles; the Lords of the Articles then consumed nearly all the remaining time in preparing the acts to be passed; and Parliament had its second and last meeting on the

[1] Wodrow's *Sufferings of the Church*.

eighth day, when all acts were read, debated, voted, and passed. This appears now as the very burlesque of national legislation.

Charles and his Commissioner.

Commissioner Middleton went to London in high glee after the session of 1662, for he had procured a condemnation of Lauderdale. But the latter had already obtained the King's ear, and shown him various defects in Middleton's administration. The balloting was represented as a tyrannical act, and an interference with the royal prerogative; while the Commissioner had committed the still more serious offence of giving his assent to measures without receiving the King's special authority to do so. He had also set aside Charles's order deferring the exaction of the fines imposed on recusants, expecting that he would receive an indemnity for their enforcement. Further, the Billeting Act itself was new and unusual. When this act was given to the King with the other statutes, he threw it into his cabinet, stating that he would not act upon it. He subsequently sent a message to the Estates with a "commission for trying of the contrivance and carrying on of the Act of Billeting." The measure was spoken of as "that strange act for incapacitating twelve, transmitted to his Majesty sealed, and which his Majesty has so ordered that it shall nevermore come to light."[1] Middleton had dealt in an underhand manner, playing the King off against the Parliament, and Parliament against the King. The Estates therefore suppressed their acts of ostracism, declaring them to be "now and in all time coming void and null," and ordaining that they "be expunged and rased out of the records, like as, accordingly, the said principal acts, being called for and presented in Parliament, were publicly rased and destroyed." The quarrel between Middleton and Lauderdale led to the supersession of the former and the appointment of the latter as Commissioner.

The Billeting Act.

The Estates depose James II.

Upon the accession of James II. in 1685, the Scots Estates re-enacted the Test Act and the act against conventicles, but rejected a bill drawn up by the Lords

[1] *Scots Acts of Parliament.*

CHAP. II. From the Reformation to the Union.

of the Articles in favour of the Papists. It was, however, forced upon them by the royal prerogative, and Popery was restored with great ceremony at Holyrood. A period of mixed indulgences and persecution followed. When the Revolution in favour of the Prince of Orange was announced from England, the Estates passed an act approving of the good service thus done to the nation. On March 14th, 1689, a convention of the Estates was opened at Edinburgh. It deposed James, and declared the throne of Scotland vacant. The King's misdeeds against the people having been recited, the Vote went on to affirm that "the Estates of the kingdom of Scotland find and declare that King James the Seventh, being a professed Papist, did assume the regal power and acted as king without taking the oath required by law, and hath, by the advice of evil and wicked councillors, invaded the fundamental constitution of this kingdom, and altered it from a legal limited monarchy to an arbitrary despotic power, and hath exercised the same to the subversion of the Protestant religion and the violation of the laws and liberties of the nation, inverting all the ends of government, whereby he hath forefaulted the right to the crown, and the throne is become vacant."

The Claim of Right.

Having by this vote asserted their right to depose the sovereign, the Estates next assumed the power to elect his successor, and appointed a committee to prepare an act for settling the crown upon William and Mary. These courageous steps were taken under conditions involving personal danger; for, notwithstanding the strength of the Protestant revolutionary feeling, violence was expected in the streets of Edinburgh and even on the floor of the Parliament House itself. Claverhouse, who was at the head of the Opposition, assumed a threatening attitude, and endeavoured to interrupt the work of the Convention, but the Estates caused the doors of the Parliament House to be locked, thus preventing communication with or from the outside. On April 11th, the Claim of Right was adopted. This declaration asserted the fundamental liberties of the kingdom of

Scotland, affirmed that no Papist could be King of Scotland, that the Scottish Church was Presbyterian, and that William and Mary were now King and Queen of Scotland. A number of resolutions were next voted called the Articles of Grievances, which set forth various acts done under the authority of bad laws that the Estates desired to have repealed, and certain reforms in regard to which they craved the new King's co-operation.

The Estates offer the crown to William.

Until the settlement of the crown had been finally completed by the acceptance of William III., the Convention exercised the executive authority in Scotland, and then it became a Parliament, all its acts henceforth belonging to the statute law of Scotland. The offer of the crown was made to William by three commissioners —the Earl of Argyle, Sir James Montgomery, of Skelmorlie, and Sir John Dalrymple—representing the three estates of peers, barons, and burgesses. The King received the Declaration of Right and the list of grievances, but demurred to the condition that he should "root out all heretics" in upholding the true Church. Nevertheless, on his being assured that the words were a mere form, he accepted the oath, and promised for himself and his wife, with God's assistance, religiously to observe it.

Parliament and the Crown.

The Estates, which now looked forward to a new and more popular constitution as well as a complete change in their relations with the Crown, elected the Duke of Hamilton — not a man of strong purpose—President of the Convention. When the Convention was turned into a Parliament (June 5th, 1689), he was appointed by William Lord High Commissioner, and the Earl of Craufurd succeeded him in the presidency of the Estates. Parliament soon found itself in conflict with the Crown. It resented the nomination of a president by the Lord High Commissioner, but passed this by to enter upon a more serious contest for the establishment of a free debating Parliament in Scotland. The Lords of the Articles stood in the way of this reform, and the Estates called for their abolition. William, however, hoped to modify the

The Lords of the Articles.

CHAP. II. From the Reformation to the Union.

offensive system and to render it more acceptable by making the Lords of the Articles elective, and increasing their number to thirty-three. But the Estates were firm in demanding their abolition, stating also that there ought to be no committees of Parliament but such as were chosen freely by the Estates to prepare motions and overtures. Hamilton then bluntly announced, on June 17th, the King's pleasure that there should henceforth be twenty-four Lords of the Articles, eight chosen from each Estate, but that their power of rejecting absolutely any motion laid before them was to cease, remedy being provided by motion in full Parliament. The Estates met this by passing a resolution that a fixed committee was a grievance ; and shortly afterwards a bill was brought in for regulating committees according to their views. This plan was modified so far as that each Estate was to elect its own representatives upon the committees. Hamilton withheld his consent until he had communicated with the King. Meanwhile the Church settlement was postponed, and angry debates ensued about the Crown, proceedings being threatened against the Earl of Argyle and the other Commissioners, who were held to have betrayed their country if they had suffered the King to believe that he had the power to restrain the action of Parliament by fixed committees. The two Dalrymples, as the advisers of William in his anti-Scotch policy, were also denounced.

Their abolition demanded.

It was at this juncture that William's proposal to enlarge the Lords of the Articles to thirty-three arrived ; but the Estates remained obdurate. Abolition was their only policy, and it was in vain that Hamilton devised expedients for drawing away their attention from this one great object. The Commissioner even offered to restore all forfeitures carried out since the year 1665 ; and when that and all other efforts at distraction failed, he announced that he had discovered a formidable conspiracy against the Government and the Estates of Parliament at their very doors. The Duke of Gordon and thirty-seven other persons were arrested, but the whole

thing turned out to be only some minor matter affecting the hostile force of Claverhouse.[1] The session of the Estates closed on August 2nd, many questions remaining undecided. But Parliament had asserted its rights so freely that "something which Sir John Dalrymple called a 'prerogative' was sacrificed every day." Six important measures had passed the Estates, but they had not received the magic touch of the royal sceptre.

The King gives way.

Before the Estates again met there occurred the Jacobite plot, in which Sir James Montgomery, one of the original Commissioners to William, was implicated, and this, in conjunction with the rising in the north of Scotland and the war in Ireland, predisposed the King to an amicable settlement with the Scots. He now gave his sanction to the acts passed during the late session, and surrendered the main points of difference with regard to the mode of Parliamentary proceedings. Hamilton had already been dismissed and succeeded by Lord Melville, who was empowered to deal with leading opponents in a spirit of bribery—a spirit which was neither creditable nor successful. The Lords of the Articles were abolished, this being a great triumph for Parliament, and in future the Estates were to appoint at pleasure committees to digest measures submitted to their consideration. In every committee there was to be an equal number of representatives from each Estate, but the King reserved for the officers of state the right to attend such committees, with the privilege of moving and debating, though not of voting.[2] The representation of the larger counties was augmented during this session, twenty-six representatives being added to the Estates. By special acts reversing their forfeitures in preceding reigns, such men as Fletcher of Saltoun, Melville, and Carstares were restored to their former positions; and a general act of reversal of forfeitures and condemnations on religious grounds from the year 1665 was also passed.

Legislative reforms.

[1] Burton's *History*.

[2] *Minutes of the Estates.*

The Massacre of Glencoe.

The massacre of Glencoe was inquired into by a royal commission, and, after it had reported, the Estates addressed a memorial to King William on July 15th, 1695. The inferior persons implicated in that mournful and disgraceful tragedy being in Flanders, the Estates censured Sir John Dalrymple, without directly impeaching him of high treason; and they accused Lord Breadalbane of high treason, though he was not brought to trial. As a matter of fact, no one was directly punished for this crime against humanity, which must ever remain a blot upon the otherwise noble character of William III. The infamous design was clearly traced to Dalrymple, Argyle, and Breadalbane. The man most deeply involved, Dalrymple (afterwards Lord Stair), was simply dismissed from his office of Secretary of State for Scotland. Even after the massacre of Glencoe, writs of extermination, or "letters of fire and sword," were granted against two Highland clans, on private grounds of quarrel, by the Privy Council of Scotland.

Presbyterianism re-established.

The ecclesiastical settlement of the Revolution was now proceeded with. In 1689 an act had been passed for abolishing prelacy and all superiority of office in the Church; and during the following session (1690) statutes were passed which practically ended the ecclesiastical struggle by establishing Presbyterianism. Banished Presbyterian clergymen were restored to their benefices, and on May 26th Parliament adopted the Confession of Faith. The preamble to this important religious declaration stated that "the Confession of Faith underwritten was this day produced, read, and considered, word by word, in presence of their Majesties' High Commissioner and the Estates of Parliament, and being voted and approven, was ordained to be recorded in the books of Parliament." As the acceptance of the Confession of Faith was not accompanied, however, by the renewal of the Covenant, alarm was created in many minds. A second opportunity occurred for imposing it when the Estates passed an act repealing the legislation of later times which might impede the exercise of their

old powers by the Church courts. Another statute of importance was carried, whose ostensible purpose was to abolish the offensive powers given to the hierarchy in previous reigns. The ecclesiastical punishment of excommunication, which had been enforced by the courts of law, was put an end to; and "all acts enjoining civil pains upon sentences of excommunication" were repealed.

The Assembly and the Covenant.

A new General Assembly was summoned to meet on October 16th, 1690, and Lord Carmichael, a firm and judicious man, was appointed King's Commissioner. He kept aloof from ecclesiastical questions, and most of the authority was left in the hands of the Church president, the Moderator; but the King was resolved that the State should maintain a general control over the Assembly. Hence it became an established custom that the Commissioner, at the end of the session, adjourned the Assembly to its next meeting "in the name of the sovereign"; and the Moderator adjourned it to the same day "in the name of the Lord Jesus Christ." Great offence was given to the Covenanters by the failure of the Assembly to renew the Covenant, which, as Burton observes, was "a more flagrant abandonment than even in Parliament, of the fundamental privileges of the Church."

Patronage.

The Patronage Act was passed by Parliament on July 19th. The right of patrons to present to benefices had always been repugnant to the Presbyterian body, who would never concede it when they had the power of resistance. Nevertheless it had been restored with the hierarchy in Charles II.'s reign, and now it was to be abolished. The first clause of the Patronage Act of 1690 expressly stated that "our sovereign lord and lady their Majesties the King and Queen, considering that the power of presenting ministers to vacant churches of late exercised by patrons hath been greatly abused, and is inconvenient to be continued in this realm, do therefore, with the advice and consent of the Estates of Parliament, hereby discharge, cass,[1] annull, and make void the

[1] Really to make void, as repeated.

CHAP. II. From the Reformation to the Union.

foresaid power, heretofore exercised by any patron, of presenting ministers to any kirk now vacant or that shall hereafter happen to vaike,[1] within this kingdom, with all exercise of the said power; and also all rights, gifts, and infeftments, acts, statutes, and customs, in so far as they may be extended or understood to establish the said right of presentation."[2] It was directed that when a vacancy occurred the heritors or landowners in country parishes and the municipal corporations in burghs, together with the elders of the Church, were to propose a person in holy orders to the congregation, who were either to approve or disapprove of him. When objections were taken, these were to come before the Presbytery, who were to decide whether the person selected should be clergyman of the parish or not. Thus the act did not abolish the lay element in patronage, but regulated it, nor did it admit the right of the congregation finally to reject a minister. What it conferred was the power to object and the right to plead the objection before the Presbytery. Some held that the act was not an abolition of rights of patronage, but only an arrangement for enabling them to be sold, as clauses were inserted providing that for each patronage a sum of six hundred merks (about £35) should be paid. Where compensation was not made, it would seem that under this perplexing act the right of patronage remained.

University tests.

Another act was also passed in July, 1690, imposing a religious test upon professors in the universities, and appointing visitors to seek out and report against those hostile to the new settlement. None were to be admitted to chairs or allowed to continue in them but such as acknowledged and subscribed the Confession of Faith, swore and subscribed the oath of allegiance, and submitted to the government of the Church as now settled by law. This statute was the beginning of a series of harassing measures, which led to bickerings and grave discontent. Those professors who were at first driven

[1] Fall vacant.

[2] *Scots Acts of Parliament.*

forth, however, were not the most distinguished men at the universities.

When Parliament reassembled in 1693, an act was passed "for settling the quiet and peace of the Church," its object being to secure the taking of the oath of assurance already prescribed, but not enforced. The new act sought to bring in those who swore allegiance to the existing King "as a calamity beyond help," but who reserved their prospective allegiance to the rightful King whenever his restoration was attempted or effected. A General Assembly was called to endorse the oath for the clergy, but the Presbyterians resented Erastianism, or State domination of the Church. Dalrymple and Tarbat, the King's advisers, resolved to push the royal supremacy; but William Carstares—who had acquired great influence over the King, for whom he acted as a kind of unofficial Secretary for Scotland—saw the danger of insistence. He braved the anger of William by forcing himself into his presence, and, producing before him the royal instructions, which he had intercepted, he besought his Majesty to withdraw them. The King at first took this boldness very ill, but his clear reason soon enabled him to perceive that Carstares was right, and at length he forgave his secretary and revoked the order. A serious difficulty was thus averted.

The Church and the Royal Supremacy.

A special act of Parliament was passed for the exclusion from their benefices of the non-conforming Episcopalian clergy, who by this statute were compelled to live on the south side of the Forth. Another act was passed in 1695 to enforce payment of a portion of the stated incomes of the clergy to temporary missionaries appointed by the Church; and the jurisdiction under this act extended to all the country beyond the Grampians and to all the counties north of the Forth. A still further act, of a more pacific tendency, gave the non-conforming clergy an opportunity of remaining in their benefices and performing their pastoral duties by conforming to the civil oaths. They were, however, prohibited from continuing the spiritual succession, and were merely mission-

Ecclesiastical legislation.

CHAP. II. From the Reformation to the Union.

aries, being neither part of a corporate Church nor entitled to sit in ecclesiastical courts. Burton states that this act was of great service in breaking the compactness of the Episcopal body in the north.

Encouragement of trade.

Parliament likewise passed in 1693 an important act for the encouragement of trade. This statute provided that in Scotland adventurers associating together for foreign commerce should enjoy all extant privileges of trade; and the trade of the East and West Indies and the Mediterranean was especially included as among those to which the right of the adventurers, when incorporated under the Great Seal of Scotland, should become public and undoubted. Following up this legislation, the Parliament which met at the Tolbooth on June 26th, 1695, sanctioned the Darien scheme by a statute entitled "An Act for a Company trading to Africa and the Indies." Privileges were granted to the company which raised them above the restraints of the Navigation Act, and they were also granted the extraordinary power of fitting out and arming vessels of war either in Scotland or any other country not at war with the British sovereign. The company were further authorised to make settlements and build cities, harbours, and fortifications in Asia, Africa, or America, to contract alliances with Powers in these distant parts of the world, and to defend themselves if attacked; while, to restrain private adventurers, all other Scotchmen were prohibited from trading in the districts occupied by the said company without their licence. The history of the Darien scheme was most romantic and unfortunate; and British action with regard to it and the ultimate collapse of the company will be found treated of elsewhere.

The Darien scheme.

Opposition to England.

In the Scots Parliament of 1698 there arose a formidable opposition to the English Government on the ground of its high-handed conduct towards the Darien expedition. It was with the utmost difficulty that the Government could secure the election of the committees for the transaction of public business. A proposal was made in the Estates formally to renew the powers and privileges of

the company, but by specious promises the Commissioner put off this resolution. But the alienation from the Crown increased rapidly, and the session of 1700 was very unpropitious and stormy. The Darien disasters had thoroughly roused the Scottish temper, but a temporary truce was enforced by the prorogation of Parliament. The Earl of Melville wrote that the people all sided with the Opposition in Parliament, and that there was no more speaking to the people than to a man in a fever. Riots broke out in Edinburgh, and the bands of music which paraded the city played, in allusion to King William, the tune, "Wilful Willy, wilt thou be wilful still?"[1]

Parliament in 1702.

In October, 1702, the Parliament met in as angry a spirit as ever. Uncompromising resolutions were adopted, condemning the interference of the English Parliament in the Darien scheme, as well as the proclamations by the governors of the English colonies. Certain pamphlets defending the King were denounced as "blasphemous, scandalous, and calumnious libels," and they were ordered to be burned by the common hangman. In the meantime projects were put forward for accomplishing the Union between England and Scotland. Nothing was done, however, for the negotiations fell through in consequence of a claim by the Scots to equal trading privileges with England, which was well known to refer to the African or Darien scheme. As there was no hope of a permanent agreement, the Estates were adjourned on February 3rd, 1703, until October 4th ensuing, but this Parliament never again assembled.[2]

Projects for Union with England.

Meeting of the Union Parliament.

The new Parliament, the memorable Union Parliament, met at Edinburgh on May 6th, 1703. The numbers summoned to it were very large, including 153 lords, 85 barons, and 67 burghers, or a total of 305. They all

[1] Stanhope's *History of England*, and the *Carstares State Papers*.

[2] Burton says that this Parliament had a more protracted existence than the celebrated Long Parliament of England; but that is not so. The Long Parliament lasted for twenty years (1640—1660); the Scotch Parliament sat for fourteen years (from 1689 to 1703).

CHAP. II. From the Reformation to the Union.

sat in one House, with the Chancellor as Chairman. The nobles were accommodated at the upper end of the hall on raised benches, and beneath these were ranged the lesser barons and burgesses. Before the sittings began, the old feudal ceremony of "riding" to the Parliament House was carried out with more than customary pomp and splendour. Queen Anne, who had succeeded William III. in the preceding year, appointed the Duke of Queensberry her Scots commissioner, and the Earl of Seafield Lord Chancellor. When the sittings opened, a letter was read from the Queen favouring toleration, and, in pursuance of this letter, the Earl of Strathmore brought in a bill "for toleration to all Protestants in the exercise of religious worship," but so much hostility was manifested towards it that it was dropped. Instead of an act of relief, on June 3rd the Estates passed a declaratory act ratifying and confirming the Church establishment of the Revolution; and it was at the same time made high treason to impugn any article of the Claim of Right. Sir David Cunningham, of Milncraig, urged that it was uncharitable to affirm, as was done by this act, that "the Presbyterian Government was the only Church of Christ." To this the Marquis of Lothian replied that "he was sure the Presbyterian Government was the best part of the Christian religion," a sentiment which "set all the House in a merry temper."[1] The act was carried with the objectionable words.

The Estates declared a Parliament.

The Estates next formally asserted themselves to be a Parliament, and then passed an act declaring that after her Majesty's decease no king or queen of Scotland should have power to make peace or war without consent of Parliament. And to make it clear that they held themselves free from the war with France then raging, they brought forward a measure to remove, even in the midst of war, the restrictions on the importation of French wines. Both these acts, though asserting large powers for the Estates, were suffered to be touched with the sceptre and become law.

[1] *Lockhart* (of Carnwath) *Papers.*

Fletcher of Saltoun.

The most considerable personage in this Parliament was Andrew Fletcher, of Saltoun. Fletcher was born in 1653, and educated under Bishop Burnet. When first returned to Parliament, he so strongly opposed the measures of the Court that he was obliged to flee to Holland. In 1685 he returned, and landed with Monmouth in the west of England, and he subsequently fought against the Turks in the Hungarian army. The Revolution restored him to his country, and he became a commissioner to settle the government of Scotland. Fletcher was a fine, high-toned man, exempt from the vices of the age. He was very accomplished both in law and letters, and was master of the English, Latin, Greek, French, and Italian languages. He was by far the finest speaker in the Parliament of Scotland, the Earl of Stair coming next. The latter was famed for a splendid, the former for a close and nervous eloquence. Fletcher's works are classics, and his "speeches and language will bear comparison with the best speeches of the reign of Queen Anne, the Augustan age of Great Britain, being far superior to the meretricious, inflated, metaphorical style of our modern orators."[1] Observed another writer, "If ever a man proposes to serve and merit well of his country, let him place his courage, zeal, and constancy as a pattern before him, and think himself sufficiently applauded and rewarded if he obtain the character of being like Andrew Fletcher, of Saltoun."[2]

His scheme of "limitations."

Fletcher's ideal government for Scotland would have been a republic something after the type of the Italian republics; but failing this, he endeavoured to give to the constitution of his country a broad and liberal basis. He brought forward a scheme of "limitations," whose object was to take the patronage of office from the Crown and to exercise it in the Estates by the method of the ballot. To the objection that this was revolutionary Fletcher replied, "Not at all; it merely transfers the power of

[1] Buchan's *Life of Fletcher.*
[2] *Lockhart Papers.*

governing Scotland from a knot of English placemen to the Scottish Parliament."

The Act of Security.

This scheme was not perfected and carried through, for a greater measure soon absorbed the attention of Parliament. This was the Bill of Security, brought in by Tweeddale, but subsequently moulded by Fletcher. The measure did not pass in the current session; but, as ultimately adopted, the Act of Security provided that on the death of the Queen without issue the Estates were to name a successor from the Protestant descendants of the royal line of Scotland; but the admitted successor to the crown of England was excluded from their choice unless "there be such conditions of government settled and enacted as may secure the honour and sovereignty of this crown and kingdom, the freedom, frequency, and power of Parliaments, the religion, freedom, and trade of the nation, from English or any foreign influence." To administer the coronation oath without instruction from the Estates was declared to be treason, and a further clause ordered the nation to be placed in a state of immediate defence.

Angry debates on the Succession.

For four months, fierce debates raged round this question. Charges of intimidation and corruption were freely made, and any speaker who seemed to favour England was threatened or howled down. Early in September the Earl of Marchmont moved for leave to withdraw a bill he had introduced to settle the succession. This being granted, he introduced another to "settle the succession on the house of Hanover," but when the Clerk came to the paragraph naming the Princess Sophia, the whole House was in a flame. Some moved to have the overture burnt; others were for calling the Earl to the bar or sending him to the Castle. By a majority of fifty-seven votes, permission was even refused to enter the project on the minutes. The Act of Security was carried, but the Queen refused her assent thereto. This led to further exciting debates. Members boldly asserted their independence, and spoke of resorting to the sword if they were denied the right of expressing their desires in

Parliament. Fletcher again introduced his drastic limitations scheme, proposing annual elections, the exclusion of office-holders, the frequent calling of Parliaments, etc., but the discussions were cut short on September 16th by the adjournment of the House.[1]

The Queensberry Plot.

Now arose a singular incident, known variously as the Scots Plot and the Queensberry Plot. Queen Anne having granted a pardon in March, 1703, to all Scottish political offenders who would take the oath to her government, many adherents of the Stuarts availed themselves of her clemency. Lord Lovat was one of these. A great Highland gathering was fixed to be held at Lochaber in August, but while its ostensible object was the driving of the deer, its real object was supposed to be a political one. Lovat, having a deep grudge against Lord Athole, the Keeper of the Privy Seal, now laid a plot for his ruin. He had obtained possession of an unaddressed letter written by the wife of the Pretender to some Scotch nobleman, and he filled in the blank with the name of Athole, and forwarded the document to the Duke of Queensberry. His Grace sent on the letter to the Queen, but, the deceit becoming known, Lovat fled to the Continent, and the Duke lost his place as Commissioner. The plot had still wider effects, however. Anne informed the House of Lords in December that there were French emissaries stirring up rebellion in Scotland, and the Lords at once investigated the question, but without definite result. The Scots were angry with the House of Lords, considering that the matter should have been dealt with by the Privy Council. The House of Commons also fell foul of the peers for assuming powers of criminal inquiry which did not belong to them, and prayed the Queen to give orders for the investigation to be carried on by her officers.

The Estates in 1704.

The Scottish Parliament met July 6th, 1704, and the Queen desired the Privy Council to ascertain how much

[1] In addition to the Parliamentary Minutes, the authorities for this Parliament are Tindal, Hume of Crossrig, and Boyer (*Annals of Queen Anne*).

CHAP. II. From the Reformation to the Union.

truth there was in the suspected plot. The Marquis of Tweeddale was the new Commissioner in place of Queensberry. Instead of making up the rent between the two nations, which Anne lamented had become wider, the Estates denounced the interference of the English House of Lords in the matter of the plot, and carried an address to her Majesty regretting that such an encroachment had occurred upon her prerogative as Queen of Scotland; and they requested her to take such measures as would prevent the like meddling in future. The Act of Security was again passed, practically without resistance, the Estates adopting the "tacking" policy of the English House of Commons in order to carry their point. It was resolved not to grant the funds for the support of the Scots troops if the Act of Security were not touched with the sceptre, and the act was consequently accompanied in the statute-book by another act for the supply of six months' cess upon the land rent. Lord Stanhope observes that, as the act might involve on the demise of the Queen a separation of the crowns of England and Scotland, "a resolute Prime Minister would for the second time have refused it the royal assent."[1] But Godolphin gave way, and the measure received the Queen's sanction.

The Act of Security passed.

The English Parliament and the Scots.

When the English Parliament met on October 29th, the hostile attitude of Scotland at once engaged its attention. Lord Haversham first opened the matter; and a special sitting was appointed for November 29th, when the Queen attended, with the hope of moderating by her presence any heats which might arise. Godolphin was attacked by both Whigs and Tories, and made but a feeble defence, for his vital energies were waning. The Queen attended a second time on December 6th, when Lord Somers indicated the measures he thought necessary. He proposed a law declaring the Scots aliens, and forbidding the importation of their cattle, which law was to remain in force until the succession to the crown of

[1] Stanhope's *History of England*, vol. i.

Scotland should be settled. A bill to that effect was introduced, and the Lords also carried an address to the Queen praying that Newcastle should be put into a condition of defence, that the port of Tynemouth should be secured, that the works at Carlisle and Hull should be repaired, and that the militia of the four northern counties should be disciplined and provided with arms and ammunition.

Measures of defence.

The House of Commons concurred with the Lords, but took umbrage at certain money penalties which apparently invaded their own taxing privileges. The Lower House accordingly introduced a bill of their own, which passed the Peers, and became law during the session. It was entitled "An Act for the effectual securing the kingdom of England from the apparent dangers that may arise from several acts lately passed in the Parliament of Scotland." This measure enacted that the Queen should be empowered to name commissioners to treat of a union with Scotland; that after Christmas Day, 1705, unless the succession to the crown of Scotland should be decided by that time, every native of Scotland not a settled inhabitant of England, nor serving in her Majesty's forces, should be taken and held for an alien; that from the same date no Scotch cattle nor sheep should be brought into England, nor any Scotch coals, nor yet any Scotch linen.

The breach widens.

This act of self-protection, which was natural enough on the part of England, alarmed the Scots, whose trade in cattle and linen was threatened with ruin. While the matter was pending, a painful occurrence, arising indirectly out of the Darien enterprise, greatly emphasised the necessity for an amicable understanding between England and Scotland. Captain Thomas Green and thirteen of the crew of the *Worcester* were seized off Burnt Island, and brought to trial on charges of piracy upon the coast of Malabar and the murder of one Drummond, a Darien captain. They were found guilty, and notwithstanding the Queen's orders to the Privy Council of Scotland to stay their execution, so great was the resentment of the

CHAP. II. From the Reformation to the Union.

people that Green and two others were put to death. What made the matter worse, evidence was produced affirming that Drummond was alive, and this was subsequently corroborated.[1]

Scotch legislation in 1705.

In anticipation of the next meeting of the Scottish Parliament, Ministers in England reinstated the Duke of Queensberry, who, however, only took the post of Privy Seal, the Duke of Argyll being appointed Commissioner. The Estates met on June 28th, 1705, and the Queen's message earnestly pressed upon their notice the settlement of the succession and the appointment of commissioners to treat for a legislative union. There were now three parties: the Jacobites, or Cavaliers; the independent or national party led by Fletcher; and the party of Tweeddale and his friends, called the "Squadrone Volante," from its compactness, which latter frequently held the fortunes of Parliament in its own hands. Instead of acting upon the Queen's message first, the Estates considered and settled various matters affecting commerce, and appointed a council of trade. Even when the vexed settlement question was reached, they came to a stand so far as the person was concerned; but with regard to limitations and securities they were sufficiently definite, though not going so far as Fletcher could desire. An act was passed which made on the Queen's demise the officers of state and the judges of the supreme courts elective by Parliament. A second act provided that a Scottish ambassador should be present at every treaty made by the sovereign of the two kingdoms with a foreign Power. By a further measure the Parliament was to become triennial at the end of the next three years.

Proposed Treaty of Union.

The Queen's Commissioner declined to give the royal assent to these acts, and indeed they took a secondary place when the all-absorbing question of the Union was introduced. Fletcher, with much eloquence and great breadth of view, introduced a new and comprehensive

[1] *State Trials*, vol. xiv., and Burton's *Criminal Trials in Scotland.*

scheme of limitations and securities, but this also fell into the background. On August 25th the first draft of an act for a Treaty of Union was brought forward. After several sittings the Court party carried an act empowering the Queen to name commissioners to treat for Scotland. This important point was gained with the assistance of the Squadrone, whose action exasperated and dismayed the opponents of the Union. The act, nevertheless, was tempered by a resolution that the Scottish commissioners should not begin to confer with the English until the clauses in the English act of Parliament making the Scotch aliens had been repealed. Another important proviso was also adopted : "That the commissioners shall not treat of or concerning any alteration of the worship, discipline, or government of the Church of this kingdom as now by law established." The first step towards a union was thus taken ; and when the English Parliament met in October, the alien clauses so obnoxious to the Scots were fully and frankly repealed, at the instance of the liberal-minded Lord Somers.

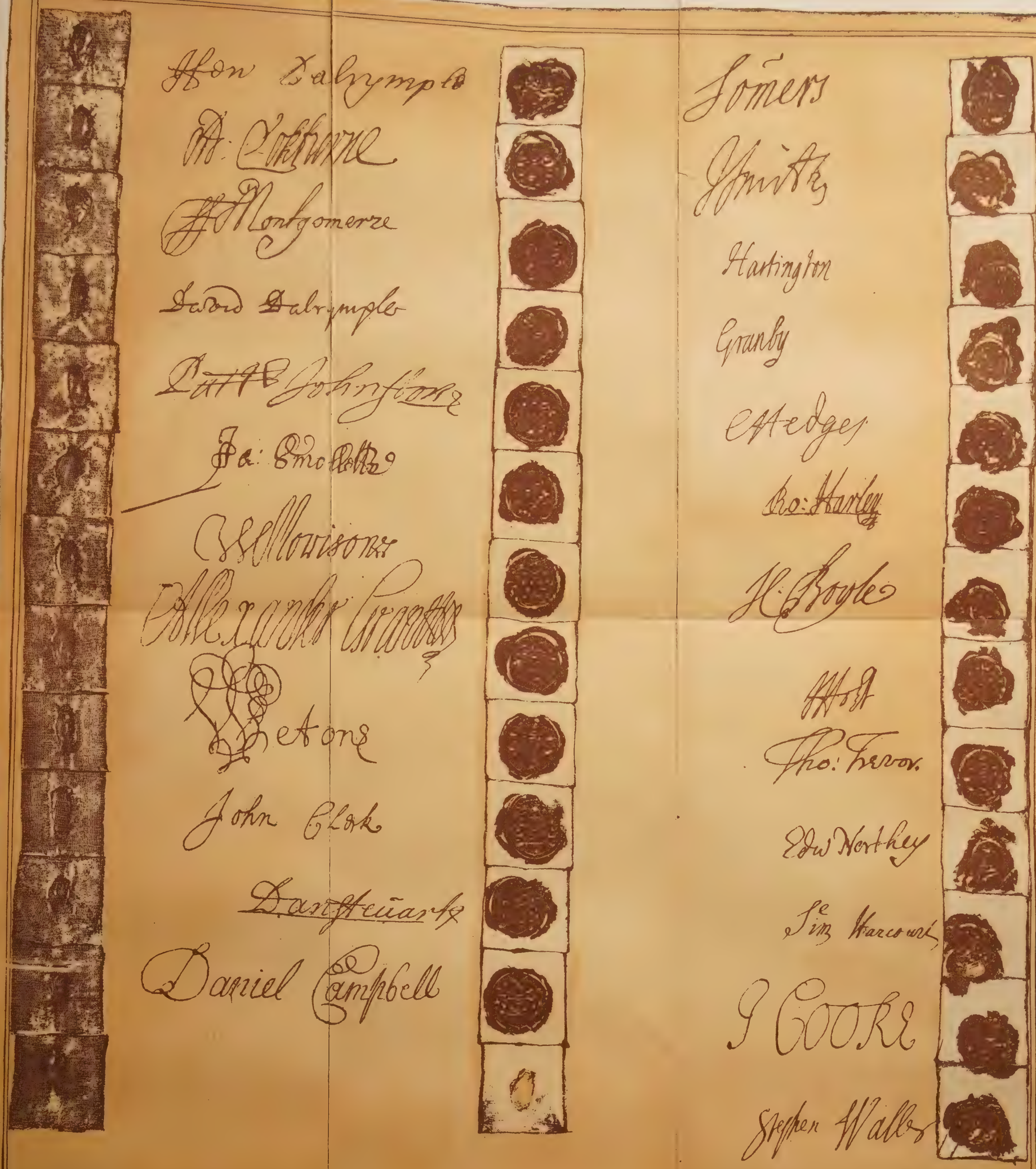
The Commissioners.

Difficulties arose in connection with the appointment of the Scots commissioners, who, like the English, were thirty-one in number. There was no attempt to represent the Scottish Church, but otherwise the list was a more representative one than the English, which consisted exclusively of peers and official personages. Hamilton and Argyll were not in the Scottish list,[1] but it included the Jacobite plotter George Lockhart, of Carnwath. Eventually, responsible commissioners were nominated, who began the requisite negotiations.

Their powers and action.

The joint body which sat on the question of the Union had no precedent. In one sense it was a deliberative body, in another sense two deliberative bodies, "who could transact nothing without a majority on each side in favour of every proposition adopted." Again, "it behoved

[1] The *Jerviswood Correspondence* shows that Hamilton was purposely omitted, as, owing to his views, he might have complicated matters.



Hon Dalrymple
A. Cockburne
J. Montgomerye
Jacob Dalrymple
Patt Johnstoune
Ja: Smollett
Wm Morrison
Alexander Cunningham
Seton
John Clerk
Dan. Stuart
Daniel Campbell

The above are the
Scots' Commissioners.

Somers
Jnº Smith
Hartington
Granby
Cha: Cadogan
Ro: Harley
H. Boyle
Wm Wyndham
Tho: Trevor.
Edw Northey
Sir Sim. Harcourt
J. COOKE
Stephen Waller

The above are the
English Commissioners.

before it could bear its part in the heavier imposts of England it must enjoy for some years the prosperous fruits of the Union; and it was ultimately conceded that there should be granted to Scotland an exemption from certain taxes. Among these were the window duties, a portion of the stamp duties expiring in August, 1710, and the tax on coals expiring in September of the same year. From the salt duty they were to be exempt for seven years. As Scotland would necessarily sustain an immediate loss from a uniform system of taxation, the payment of a money compensation known as "the equivalent" was discussed. The amount was finally fixed at £398,085 10*s*., and it was to be expended partly in payment of the public debts of Scotland, partly in compensation for losses by the coinage, and partly in recompensing the stockholders of the Darien Company with interest, the Company itself being dissolved. The surplus was to go towards the promotion of Scottish fisheries and manufactures. These financial questions gave the greatest trouble, and when they were disposed of, the political difficulties were more readily adjusted.[1]

Articles of Union.

The Articles of Union, as finally arranged, numbered twenty-five. The main provisions were—that on May 1st, 1707, England and Scotland should be united in one kingdom, bearing the name of Great Britain; that the succession to the crown of Scotland should be in all points the same as that of England, the succession of the United Kingdom being vested in the Princess Sophia and

[1] The best and most authentic account of the Union negotiations appears in the Appendix to vol. xi. of the *Scots Acts of Parliament*. Defoe has written a ponderous work on the *History of the Union between England and Scotland*; there is another narrative on the same subject by the Rev. Ebenezer Marshall; and there is an official *Report on the Events and Circumstances which produced the Union of the Kingdoms of England and Scotland*, prepared in 1799 by Mr. Bruce, of the State Paper Office. Then there are the various accounts given by our later historians, Burton's being probably the best. A very brief but useful summary of the negotiations is given by Dr. Æneas Mackay in the article "Scotland" in the latest edition of the *Encyclopædia Britannica* (1886).

CHAP. II. From the Reformation to the Union.

her heirs, being Protestants ; that all privileges of trade should belong equally to both nations ; that there should be one Great Seal and the same coinage, weights, and measures ; that the Episcopal and Presbyterian Churches of England and Scotland should be for ever established as essential and fundamental parts of the Union ; that the United Kingdom should be represented by one and the same Parliament, to be called the Parliament of Great Britain ; that the number of representative peers for Scotland should be sixteen, to be elected for every Parliament by the whole body, and the number of representatives in the Commons forty-five, two-thirds of whom were to be chosen by the counties, and one-third by the boroughs ; that the Crown be restrained from creating any new peers of Scotland ; that both parts of the United Kingdom should be subject to the same duties of excise, and the same customs on exports and imports ; but that when England raised £2,000,000 by a land-tax £48,000 should be raised in Scotland, and in like proportion. A standard on which were blended the flags of both nations, the crosses of St. Andrew and St. George, which had been first projected by James VI. under the name of the Union Jack, was adopted as the national flag of the United Kingdom ; and it was agreed that the arms of the two countries should be quartered with all heraldic honours.[1]

Agitation against the Treaty.

When the terms of the articles became known in Scotland, they gave great dissatisfaction in certain quarters. The Jacobites were especially angry with them, for they saw in them the prospect of a steadily growing feeling in favour of the Union and the consequent decline of their own ideas. Edinburgh was soon in a state of great agitation, and to prejudice the treaty it was urged that there was an immediate loss to Scotland, owing to

[1] With regard to the Parliamentary representation for Scotland, it has been sometimes urged that it was not very favourable to the Scots, but if taxation, and not population, be taken as the measure of representation, they were by no means hardly dealt with. See Burton, Hallam, and Stanhope.

the abolition of its independent Parliament, the reduction of the capital to a provincial town, and the increase of taxation to pay the growing national debt. The gains which might be expected to accrue from the Union were kept in the background. There were those of course who conscientiously believed that trade would decline, instead of advance, as it did, by rapid strides ; that, in spite of the solemn guarantees, the law and the Church would yield to the dominant influences of the larger country, in which henceforth was to be the sole seat of government ; and that much of the talent and wealth of Scotland would be attracted southwards and be absorbed by the English. These considerations led to a stormy agitation, which heralded the sittings of the last Parliament of Scotland.

Meeting of the Estates.

The Estates met early in October, 1706, and on the 12th took the Articles of Union into consideration. While the debates were progressing, addresses were presented in considerable numbers from various counties and boroughs praying that the treaty might not be ratified, whilst scarcely any were presented in its favour. Although it could not be held that the Union was popular, a Scottish historian (Burton) observes that the addresses were no more a measure of positive national antipathy to it than the turbulence of a few Edinburgh apprentices which for a time disturbed the capital. After nearly a month spent in preliminary discussions, it was agreed on November 4th to take a vote on the first article of the Union, with a proviso, however, that it was to be dependent on the rest being carried.

Great debate on the Union.

The debate furnished one of the finest oratorical displays which marked the course of the Scots Parliament. The Duke of Hamilton spoke stirringly on Scottish nationality, and Seton of Pitmedden, one of the commissioners, pleaded for the measure in a calm and statesmanlike speech. But the great feature of the debate was the eloquent oration of Lord Belhaven, a young nobleman of fiery and impetuous character, whose opposition to the Union reached a species of fanaticism. His speech formed

Lord Belhaven's speech.

CHAP. II. From the Reformation to the Union.

an event in the history of Scotland, and was afterwards spread broadcast, in numberless editions, throughout the country. As compared with the efforts of later English orators, if examined in some distant age, "it would be found to have few competitors among them in the essentials of heroic oratory, rapid and potent diction, impassioned appeal, bold and apt illustration." Though evidently addressed to the people at large, it bristled with classical allusions. While the form of the speech delighted the cultivated, its substance alarmed those who already dreaded the effects of the Union. "What hinders us, my lord," he exclaimed in the most rhetorical portion of his speech, "to lay aside our divisions, to unite cordially and heartily together in our present circumstances, when our all is at stake? Hannibal, my lord, is at our gates. Hannibal is come the length of this table; he is at the foot of this throne; he will demolish this throne if we take not notice; he'll seize upon these regalia; he'll take them as our *spolia opima*, and whip us out of this House never to return again. For the love of God then, for the safety and welfare of our ancient kingdom, whose sad circumstances I hope we shall yet convert into prosperity and happiness!—we want no means if we unite. God blesseth the peacemakers. We want neither men nor sufficiency of all manner of things to make a nation happy." In another dramatic passage the speaker put the question of a national union of parties against the common enemy upon his bended knees, paused for a reply, and receiving none, solemnly recorded, "No answer!" Again, after rapidly sketching the contents of the treaty, he said, "Good God! what is this—an entire surrender! My lords, I find my heart so full of grief and indignation, that I must beg pardon not to finish the last part of my discourse, that I may drop a tear as the prelude to so sad a story."

The first Article carried.

This fervid oratory, nevertheless, failed to awe or impress the House, and it had absolutely no effect upon the division. Whatever might be the case in the country, the House was inclined to ridicule rather

than to quail before the great speech. Lord Marchmont excited laughter and cheers when he said that they had heard a long speech, and a very terrible one; but he thought a short answer would suffice, and it might be given in these words: "Behold, he dreamed; but, lo, when he awoke, behold it was but a dream." The division gave 116 in favour of the article and 83 against, the Squadrone having declared for the Union. Although the great preponderance of the majority was in the peerage, there was an actual majority in each Estate —a matter of considerable moment upon so vital a question.[1] The actual majority in each of the Estates was as follows: peers, 25; barons, 4; representatives of the boroughs, 4. In many of the subsequent articles, and especially those relating to trade, the Parliament secured modifications which were distinctly in favour of Scotland. By disturbances in the west, and projected addresses to the High Commissioner in Parliament, the party opposed to the Union now sought to prevent its consummation. But the work went forward, and additional guarantees were given to the Presbyterian Church in an act passed for "securing the Protestant religion and the Presbyterian Establishment." To conciliate the English Episcopacy and Parliament, the measure contained a balancing clause, consenting that the Parliament of England might provide as it thought fit for the security of the English Church within its own sphere.

Proposed Parliament in Edinburgh.

During the discussion of the articles, an amendment that the Parliament of Great Britain should meet once each third year in Scotland was put and lost. Waiving other objections to such a scheme, the inconvenience of taking the vast bulk of the members of the House of Commons to Edinburgh once in every three years, with such defective means of transit, was, and is, manifestly apparent. A Parliament in Edinburgh would no doubt

[1] Dr. Mackay, in the *Encyclopædia Britannica*, gives the total majority as 35, but that is a mistake; the *Scots Acts of Parliament* show it to have been only 33.

CHAP. II. From the Reformation to the Union.

have led to an increase of trade in the Scottish capital; but the proposal was scarcely taken seriously even in the north, and it finds but the barest mention in the official minutes.

Tragic death of Lord Stair.

The passage of the articles was pushed through; but just as the twenty-second article was carried Lord Stair expired suddenly, from the effects of anxiety and over-exertion in connection with the treaty. This nobleman, who fifteen years before had played such an unenviable part in the massacre of Glencoe, rendered great legal service as a supporter of the Union. With the passing of the twenty-second article, the treaty was safe. The discussions concluded on January 16th, 1707, when the last division was taken on the passing of "An Act ratifying and approving the Treaty of Union." It was carried by 110 to 69 votes, and on this occasion there was a satisfactory majority in each Estate. The peers in favour of the act were 42, with 19 against; the barons 38, as against 30; and the burgesses 30, as against 20. The Act was thereafter touched with the royal sceptre by her Majesty's High Commissioner. Lockhart states that Seafield, the Chancellor, in signing the official exemplification of the Act, made use of a well-known Scotch simile: "And there's an end o' an auld sang." For this he has incurred the indignant remonstrances of some of his countrymen, Sir Walter Scott included.

The Treaty of Union carried.

Charges of bribery.

With regard to the charges of corruption against the statesmen of the Union, the historian Burton, after a close examination of them, came to the conclusion that there was no ground for the charge of bribery in Scotland. It is true that Lockhart makes the most express charges, and gives the amount actually distributed as £20,540 17*s.* 7*d.*; but several of the official persons stated to have been bribed continually complained that they could not get their arrears of salary paid. Of course it would be corruption if long arrears were paid cash down as an equivalent for a vote; but, as Burton observes, "it surely does not follow from the mere fact of arrears

being paid that such a compact has been made, nor can it be inferred from the general condition of our information on this matter." Whether money passed legitimately or as an equivalent, there are few now who would hold the Union to have been a base and sordid betrayal of the interests of Scotland.

Details of Scotch Representation.

After the Treaty of Union had been carried, the Scots Estates still continued to sit as a sovereign legislature pending the acceptance of the treaty by England; and various questions of importance came up for solution. Seeing that the existing Parliament of England was to remain as the English portion of the united Legislature, the Estates resolved that the representative peers as well as the commoners for Scotland should be chosen from their existing Parliament. It was further decided that representatives should be elected for every Parliament, that voting should be open, and not by ballot, and that proxies should be allowed. Thirty of the forty-five seats reserved for the Commons of Scotland were apportioned to the counties, and fifteen to the towns. Edinburgh was to have the privilege of electing its representative separately, but the other boroughs, sixty-six in number, were joined together in groups to the number of fourteen. A commissioner was to be chosen by each borough, and the commissioners of each group were to meet and elect the member of Parliament. Peers were excluded from candidature for the House of Commons, and it was proposed also to exclude their eldest sons. Though the latter proposition was not carried in this form, it found indirect acceptance in a resolution to limit the representative right "to such as are now capable by the laws of this kingdom to elect or be elected." The principle of excluding peers' eldest sons from the representation of Scotch shires and boroughs, though not a very intelligible one, prevailed down to the Reform Act of 1832. In disposing of the Equivalent, the sum of £232,000, being more than half the whole, was awarded to the stockholders of the Darien Company for capital and interest. The balance was employed in

CHAP. II. From the Reformation to the Union.

discharging certain outstanding claims and in remunerating the late and former commissioners. The apportionment of the latter item caused great dissatisfaction to the public. The last legislative act of the Estates was a statute for the encouragement of the growth of wool. On March 25th the Scots Parliament was adjourned by the High Commissioner, and it never again assembled.

The Treaty in the English Parliament.

Meanwhile the Treaty of Union had passed through the English Parliament. On January 28th the Queen went to the House of Lords and announced the passing of the Treaty by the Parliament of Scotland. After expressing a hope that the House of Commons would be willing to provide for the stipulated equivalent, she commended to the Legislature at large the opportunity "of putting the last hand to a happy union of the two kingdoms." In order to carry the measure, Godolphin and his colleagues determined to sacrifice some of its details, for it would not do to excite public feeling by sending the bill back to Scotland for reconsideration upon any of its provisions. But as the Presbyterians had secured their own Church, so the Archbishop of Canterbury, acting on behalf of the English Establishment, brought in a measure for the security of the Episcopal Church in England, and this was carried.

Debates on the Union.

Considering the importance of the subject, the reports preserved of the Union debates in both Houses are very unsatisfactory. Only in those instances where the orator himself prepared his speech for the press is there anything like an adequate account of these Parliamentary utterances, and even such cases are few in number. On February 4th the Commons sat, as a committee of the whole House, to consider the Articles of Union and the Act of Ratification by the Parliament of Scotland. The House met, not in the performance of its proper legislative functions, but to consider a question laid directly before Parliament by the Crown. The usual method of procedure is by message, but on this memorable occasion the sovereign attended in person. Little time was lost, for the committee's report in favour of the articles was

received and adopted on the 8th. During the debate certain members complained of the careless rapidity with which the committee proceeded, describing it as "post-haste, post-haste," whereupon Sir Thomas Littleton very smartly pursued the allegory, and said "they did not ride post-haste, but a good easy trot; and, for his part, as long as the weather was fair, the roads good, and their horses in heart, he was of opinion they ought to jog on, and not take up till it was night." Sir John Packington (erroneously supposed by some to be the original of Sir Roger de Coverley) delivered a vehement speech against the Treaty. "He was absolutely against this incorporating union," he said, "which was like the marrying a woman against her consent, a union that was carried by corruption and bribery within doors, and by force and violence without," etc. These bold expressions, which reflected alike upon the Queen's Ministers, the Scottish commissioners, and Parliament, gave great offence; but Sir John added that in Scotland they said the Union was carried by bribery and force. An amendment for postponing the first article of the Treaty having been defeated by an overwhelming majority, the report of the committee, practically approving the whole of the articles, was received and ratified without a division.[1]

The Lords and the Treaty.

On February 15th there was a "grand" debate in the House of Lords on the Treaty of Union, the Queen lending additional weight to the deliberations by her presence. Bishop Burnet, who had done so much for Protestantism in England, and was a staunch supporter of the Union with Scotland, was called upon to take the chair on the Lords going into committee of the whole House for the consideration of the articles. In the course of the debate on the first article, Lord Nottingham took exception to the name of Great Britain, alleging that it was such an innovation in the monarchy as totally subverted all the laws of England; but, on the judges being appealed to,

[1] *Parliamentary History*, vol. vi.

CHAP. II. From the Reformation to the Union.

they "unanimously declared they could not conceive that it anyways altered or impaired the constitution of this realm, whose laws, they were of opinion, must remain entirely the same as well after as before the Union, except such as were altogether inconsistent with, and directly contrary thereto."

Lord Haversham's speech.

The only lengthy speeches in the debate published in the *Parliamentary History* are those by Talbot, Bishop of Oxford (who declined to join in the hue-and-cry against the recognition of the Scotch Kirk), and Lord Haversham. The latter spoke uncompromisingly against the Union, and boldly lauded the statesmanship of Oliver Cromwell, who "was so wise as to abolish" the reserved hereditary jurisdictions and the privileges of the boroughs as elements in the Scottish Constitution.

The Articles debated.

A proposal to postpone the consideration of the first article was negatived by 72 to 22, and the House read and approved the first six articles. When the debate was resumed on the 19th, Lords North and Grey objected, with regard to the ninth article, to the small amount Scotland was to contribute to the land-tax. Lord Halifax in reply admitted that the amount was small, but it was all the Scots would pay. They could not expect to reap equal advantages from every article of the Treaty; and if the Scots had the better in some few, England was infinitely recompensed by the many advantages which accrued to her on the whole. The article was carried by 70 to 23 votes. At a later stage, the Earl of Thanet, perpetual sheriff of the county of Westmoreland, and the Marquis of Lindsey, Lord Chamberlain, were anxious to know how their heritable offices would be affected, whereupon the judges assured them they were perfectly safe. The Bishop of Bath and Wells remarked that he was altogether opposed to the Union, for which he could find no better comparison than "the mixing together strong liquors, of a contrary nature, in one and the same vessel, which would go nigh to be burst asunder by their furious fermentation." The Bishop, curiously enough, anticipated certain nine-

teenth-century complaints of the episcopal bench by saying that "it was always reckoned the dead weight of the House."

When the last article of the Treaty had been read, Lord Nottingham stood up and begged their lordships' pardon for having troubled them upon almost every article. "As Sir John Maynard," he said, "made this compliment to the late King at the Revolution, that, having buried, upon account of his great age, all his contemporaries in Westminster Hall, he was afraid, if his Majesty had not come in that very juncture of time, he might likewise have outlived the laws themselves, so if this Union did pass, as he had no reason to doubt but it most certainly would, he might with as much reason, and as justly, affirm he had outlived all the laws and the very constitution of England"; and his lordship concluded with a prayer to God to avert the dire effects which might probably ensue from such an incorporating Union.

Lord Nottingham dissents.

On February 24th the Bishop of Salisbury reported the resolutions, which were agreed to by a great majority of the House. A number of protests were, however, entered. Lords Granville, Haversham, and Stawell dissented from every one of the articles; the Duke of Beaufort to all except the second; the Bishop of Bath and Wells to the last four; Lord Abingdon to eleven of the articles; and Lords North and Grey, Rochester, Howard, Leigh, and Guilford to the one dealing with the unequal land-tax. The same peers (with the exception of Howard) objected to the raising of an equivalent in England, instead of fixing the debt of each country on its particular revenue. Lords North and Grey, Buckingham, Leigh, Rochester, and Guilford protested that the sixteen peers from Scotland formed too large a number to be added to the peers of England generally in attendance; that, being elected peers, they suffered a diminution of dignity; and that their election was an innovation upon the Constitution. Finally, Lords Rochester, Leigh, North and Grey, and Guilford

Formal protests.

CHAP. II. From the Reformation to the Union.

dissented to the last article, because, there being no enumeration of what laws were to be repealed, too great a latitude of construction was left to the judges.

Act of Union carried in the Commons.

When all the articles had been agreed to in both Houses, a bill was ordered to be brought in converting the Treaty of Union into a law. The question arose how to avoid a discussion upon each article, which would have afforded a fine field for the Opposition in their desire to prolong the campaign. Owing to the ingenuity of Harcourt, the Attorney-General, the bill was so cleverly constructed that it cut off all debates. The preamble was a recital of the articles as they were passed in Scotland, together with the acts made in both Parliaments for the security of their several Churches. Then, in conclusion, came one enacting clause, ratifying all. This main provision, or crucial clause, was in the following terms: "That all and every the said Articles of Union, as ratified and approved by the said act of Parliament of Scotland as aforesaid, and hereinbefore particularly mentioned and inserted, and also the said act of Parliament of Scotland for establishing the Protestant religion and Presbyterian Church government within that kingdom, entitled 'Act for securing the Protestant religion and Presbyterian Church government,' and every clause, matter, and thing in the said articles and act contained, shall be, and the said articles and act are hereby, for ever ratified, approved of, and confirmed." This strategic movement "put those upon great difficulties who had resolved to object to several articles and to insist on demanding some alterations in them, for they could not come at any debate about them; they could not object to the recital, it being merely matter of fact; and they had not strength enough to oppose the general enacting clause, nor was it easy to come at particulars and to offer provisoes relating to them. The matter was carried on with such zeal that it passed through the House of Commons before those who intended to oppose it had recovered themselves out of the surprise under which the form it was drawn in had put them. It

did not stick long in the House of Lords, for all the articles had been copiously debated there for several days before the bill was sent up to them ; and thus this great design, so long wished and laboured for in vain, was begun and happily ended within the compass of nine months."[1]

It passes the Lords.

The bill, which was ordered to be brought into the Commons on February 8th, was sent up to the Lords on March 1st. Lords North and Grey proposed to add the following rider : " Provided always that nothing in this ratification contained shall be construed to extend to an approbation or acknowledgment of the truth of the Presbyterian way of worship, or allowing the religion of the Church of Scotland to be what it is styled : the true Protestant religion." This rider was rejected by 55 to 19 votes.

Final protest.

On the final motion that the Act of Union do pass, the following protest was inserted by the Dukes of Beaufort and Buckingham, and Lords Stawell, Guilford, Granville, and Leigh : "Because the constitution of this kingdom has been found so very excellent, and therefore justly applauded by all our neighbours for so many ages that we cannot conceive it prudent now to change it and to venture at all those alterations made by this bill, some of them especially being of such a nature that as the inconvenience and danger of them (in our humble opinion) is already but too obvious, so we think it more proper and decent to avoid entering further into the particular apprehensions we have from the passing of this law." It is interesting to note that the following peers also dissented from the Act of Union, though, as their names were only entered upon the margin of the protest, it is not clear whether they adopted the reason :—Lords Nottingham, Anglesey, Thanet, Winchilsea, Northampton, Scarsdale, Weymouth, and Guernsey.[2]

The Queen's assent.

The royal assent to the Act of Union was given by the Queen in person, who went to the House of Lords for that purpose on March 6th. In a few weighty and well-

[1] Burnet's *History of His Own Time.*

[2] *Parliamentary History* and Thorold Rogers's *Protests of the Lords.*

CHAP. II. From the Reformation to the Union.

chosen sentences, the outcome of the counsels of her statesmen, the sovereign thus set the seal upon the foremost Act of her reign: "I consider this Union as a matter of the greatest importance to the wealth, strength, and safety of the whole island, and at the same time as a work of so much difficulty and nicety in its own nature that till now all attempts which have been made towards it, in the course of above a hundred years, have proved ineffectual; and therefore I make no doubt but it will be remembered and spoke of hereafter to the honour of those who have been instrumental in bringing it to such a happy conclusion. I desire and expect from all my subjects of both nations that from henceforth they act with all possible respect and kindness to one another, that so it may appear to all the world they have hearts disposed to become one people. This will be a great pleasure to me, and will make us all quickly sensible of the good effects of this Union. And I cannot but look upon it as a peculiar happiness that in my reign so full provision is made for the peace and quiet of my people and for the security of our religion by so firm an establishment of the Protestant succession throughout Great Britain." The drama was now complete, and from May 1st, 1707, England and Scotland became united in one kingdom, under the name of Great Britain.

Supplementary legislation.

At first the working of the Union was not very auspicious, for many of the Scots lamented the legislative absorption of their native country; and it was some time before they became even passively reconciled to the change. Two important acts of the British Parliament were soon necessitated by the Act of Union. The Scottish Privy Council, or Secret Council, as it was known in the north, was abolished. This council, which was not an indigenous portion of the Scottish Constitution, had wrought great evil in the reign of Charles II.; and being a secret, irresponsible tribunal, with undefined but absolute powers, it was felt that it might work serious mischief even under the Union. English statesmen naturally could not tolerate a body which had very little

responsibility towards the Crown, and none of an effective character to Parliament. A statute was consequently passed for its abolition; and, in order to show its close relations to the Act of Union, it was entitled "An Act for rendering the Union of the two Kingdoms more entire and complete." The Court party was against the bill, which gave umbrage also to the governing body in Scotland; and it was carried against Ministers by the independent Whigs and the Tory Opposition. Strong efforts were made to defeat it, but it passed the Commons by a great majority. In the House of Lords there was a lengthy debate. The Scots Ministers urged that the country would be in great danger without a supreme government, but the supporters of the measure held it to be an absurd thing that there should be a different administration where there was but one Legislature. The bill passed by 50 votes to 45, to the great discontent of the Court.[1] A new Court of Exchequer was also created for Scotland, upon the model of that of England; and special acts were made for the election and return of the representatives in both Houses of Parliament.

The Scottish Privy Council abolished.

The second noteworthy act of the British Parliament was one passed in 1709 for the assimilation of the Scotch law of treason to that of England. The measure contained no actual definition of high treason in Scotland, but it prescribed in general terms that what was law in England should be law there. The authority of the old Court of Justiciary was superseded, and the English method, by commission of oyer and terminer, prescribed. The bill was stoutly but ineffectually resisted by the Scottish members. Yet two important amendments were secured. By one the names of the witnesses who had been before the grand jury were ordered to be sent to the prisoner ten days before his trial. The other provided that no estate in land was to be forfeited upon a judgment of high treason, which agreed with a resolution introduced by Bishop Burnet.

The law of Treason.

[1] Tindal and Burnet.

CHAP. II. From the Reformation to the Union.

The Lords deemed it wise to agree to these amendments, but with this proviso, moved by Lord Somers: that they should not become operative until after the death of the Pretender. As the latter had assumed the title of King of Great Britain, and had lately attempted to invade the country, it was not deemed advisable during his lifetime to lessen the penalties of treason. The Commons accepted the proviso, with the further addition that it should not take effect until three years after the house of Hanover should succeed to the crown. A great fight took place over this, and members were summoned from the country to vote. Ultimately the bill, with all its amendments and provisoes, was carried by a small majority, the Lords agreeing to the new amendment. The Queen then promulgated an Act of Grace, the first of her reign, to the effect that all treasons committed before the signing of the Act (which was dated April 19th) would be pardoned, those only excepted that were done upon the sea, by which proviso all who had embarked with the Pretender were of course excluded from the act. By the new legislation Scotch treason was made more definite, and less liable to extension by forced construction in the criminal courts.

Toleration and Patronage.

In 1711-12 some further questions of moment to Scotland were decided. A limited Toleration Act in favour of the Episcopalians was passed, permitting them to worship in private chapels. By a second act, patronage was restored in the Presbyterian Church, notwithstanding the protests of the Assembly, and this measure unfortunately proved a fruitful source of discord.

Last debate on the Union.

The last Parliamentary debate in connection with the Union took place in the session of 1713. It arose out of a small matter in the Commons, but it ended in an effort made in the Lords to dissolve the Union. The Lower House having decided upon the imposition of a tax of sixpence per bushel on malt, the Scots members urged that it would be an insupportable burden to their countrymen, by reason of the vast disproportion between the English and Scots malt, both in goodness and price.

Upon this the Committee reduced the tax in Scotland to threepence per bushel. The members for Wales and the northern counties of England insisted upon a like reduction, whereupon the Committee reverted to a uniform tax of sixpence for all parts of Great Britain. The Scottish members fought stubbornly, but the third reading of the Malt Bill was carried by a majority of 197 to 52.

Scottish grievances.

The Scots peers and commoners now consulted together how best to redress their grievances. The Malt Bill, being a measure of supply, could not be directly fought by the peers, but on June 1st there was a set debate in the House of Lords on a motion for dissolving the Union. It was opened by Lord Findlater, who specified the Scottish grievances, which were four in number: the abolition of the Privy Council, the new law of treason, the incapability of Scots peers being made peers of Great Britain, and the malt tax. Some speakers urged that the Union was like a marriage and therefore indissoluble, and Lord Peterborough said nothing could be more solemn than the Treaty unless it could have come down direct from Heaven, like the Ten Commandments. He added that the Scots would never be satisfied, for they would have all the advantages of being united to England, but would pay nothing for it. The Duke of Argyle warmly replied, admitting that he had a great hand in making the Union, which he did to secure the Protestant succession; but he was satisfied that that might be done as well now if the Union were dissolved. Unless it were dissolved, "he did not expect long to have either property left in Scotland, or liberty in England." Considering the momentous issue involved, the attendance of peers was very small. The question being put, on the Earl of Findlater's motion, for repealing the Union, it was only carried in the negative by a majority of four proxies; 54 lords voted on each side, but there were 17 proxies for the negative and only 13 for the affirmative. The Malt Bill itself was ultimately passed in the Lords by 64 voices against 56. A protest was entered against it by 19 peers.[1]

Motion for dissolving the Union.

A narrow division.

[1] *Parliamentary History*, vol. vi.

CHAP. II.

From the Reformation to the Union.

Scottish business in Parliament.

The management of Scottish business in London remained with a Secretary of State for Scotland until 1746; but the Lord Advocate, the adviser of the Crown on all legal matters both in London and Edinburgh, gradually acquired a large amount of influence in Scottish affairs, although he was nominally a subordinate of the Secretary. When the office of the latter was suppressed, the Lord Advocate became paramount. In 1885, however, a Secretary for Scotland was again appointed, with a separate office in London, and since that time the Lord Advocate has ceased to have the charge of Scottish business in the House of Commons.

Changes in the Scotch Representation.

In closing this account of the Scottish Parliament, the later changes in the representation must be noticed. Under the Reform Act of 1832 the number of Scottish representatives in the Commons was raised from 45 to 53, the counties, under a slightly altered arrangement, returning 30 members, as before, and the burghs, reinforced by the erection of various towns into Parliamentary burghs, 23. The second Reform Act (1868) increased the number of representatives to 60, the universities obtaining representation by two members, while three additional members were assigned to the counties and two to the burghs. The franchise was granted in counties to a £5 ownership and a £14 occupation. A householder and a lodger franchise were also fixed in burghs. By the Redistribution of Seats Act of 1885 an addition of six members was made to the representation of the Scottish counties and six to that of the burghs, the total representation being raised to 72. The Franchise Act of 1884, which assimilated the franchise in counties with that in the boroughs, added upwards of two hundred thousand voters to the Scottish register.

Effects of the Act of Union.

The Act of Union, which was the glory of Anne's reign, reflects great credit upon Godolphin and Somers. The latter statesman especially, with his far-seeing eye, perceived the danger to the throne and the nation from States united territorially yet divided in interests, and he laboured wisely and patriotically for the

Union; while Godolphin, whose personal services were not so great, knew when and where to yield in pursuit of the same great end. The Scots foreboded ill effects from the Union, and the Jacobite rebellions no doubt retarded its beneficial effects; but the latter half of the eighteenth century and the whole of the nineteenth, have constituted but one period of continuous prosperity for Scotland. Without losing its individuality, the Scottish race has achieved during the past hundred years extraordinary triumphs in trade and commerce, science, literature, and the arts; and Scotsmen themselves would now doubtless acknowledge that the Union with England gave a great impetus to these remarkable developments.

BOOK XI.

THE CONSTITUTION IN THE EIGHTEENTH CENTURY.

CHAPTER I.

THE REIGN OF QUEEN ANNE.

An illustrious age

The reign of the last sovereign of the House of Stuart was distinguished in war, in letters, and in statesmanship; but this narrative is concerned with its legislative developments alone. The greatest of these was the Union with Scotland, which has been described in detail in the previous chapter. The important Act by which Anne became the first sovereign of Great Britain, combined with the brilliant victories of Marlborough abroad, shed a special lustre upon that brief but glorious age which has justly been called Augustan.

The Queen and Parliament.

Anne was desirous of being known as a thoroughly English queen. She began her first speech in Parliament—March 11th, 1702—by saying, "I cannot too much lament my own unhappiness in succeeding so immediately after the loss of a king who was the great support not only of these kingdoms, but of all Europe," and the concluding passage contained this expression: "as I know my own heart to be entirely English." The prosecution of the war against France, and the Union with Scotland, were the chief points of the royal speech. Before the Revolution the Parliaments of England were held to expire immediately upon the death of the sovereign; but the act passed 7 and 8 William III. to obviate the evils of a disputed succession enabled the

CHAP. I. The Reign of Queen Anne.

Parliament which existed at a demise of the crown to continue during a period of six months. Consequently this Parliament of Anne was the first in our annals that was entitled to sit and vote after the demise of the crown. It acted prudently, and made no attempt to embarrass the Government or withhold the supplies. Anne was crowned on April 23rd, and she immediately named the Princess Sophia as next in succession to the throne. The members of both Houses were sworn, as required by the new Abjuration Bill. Parliament passed a bill for examining the public accounts, as well as an act granting to the Queen for life the same revenue that William had enjoyed. Anne became still more popular by announcing in the House of Peers that, as her subjects were labouring under heavy taxation, she should set apart £100,000 from her civil list to be applied to the public service in the current year. Godolphin, whose eldest son had married Marlborough's eldest daughter, was named Lord Treasurer, thus taking supreme control of the finances. War with France and Spain having been declared, and other business transacted, Parliament was prorogued on May 25th and finally dissolved on July 2nd.

Session of 1702.

The ensuing elections gave the Tories and the Anglicans the upper hand in the new Parliament. The two Houses met on October 20th, 1702, and Mr. Harley was for the third time elected Speaker. The Commons in their address spoke of Marlborough's wonderful success in the Low Countries, which had "signally retrieved the ancient honour and glory of the English nation." The Whigs took umbrage at the word "retrieved," which they regarded as a cruel stab at the memory of King William, and they proposed the word "maintained" instead; but "retrieved" was affirmed by 180 to 80 votes. This division was the keynote to the whole session. The Tory majority eagerly received a petition from Sir John Packington, Tory member for Worcestershire, complaining that Dr. Lloyd, Bishop of Worcester, had unduly interfered in his election. The Commons

A bishop reproved.

voted the Bishop's conduct to be "unchristian," and at their instigation the Queen dismissed him from his post as Lord Almoner, though not without protest in the House of Lords. Votes of thanks were passed to Marlborough, Ormond, and Rooke; liberal supplies were granted, and 40,000 seamen, 33,000 foot-soldiers, and 7,000 horse, were voted as the English forces for the war.

Honours for Marlborough.

Marlborough was now created a duke, and the Queen granted him for the term of her own life a pension of £5,000 a year, derived from the Post-office revenue. She likewise sent a message to the House of Commons desiring that this pension might be settled for ever on the title. As the Duke already had £10,000 a year from the Dutch as commander-in-chief of their troops, and the Duchess held no fewer than four lucrative Court offices, the proposal to settle the pension on the dukedom for ever met with no favour. Sir Christopher Musgrave was amongst those who most strongly condemned it, and the Commons voted an address to her Majesty fully recognising the Duke's great services, but adding, with "inexpressible grief," their apprehensions of "making a precedent for future alienations of the revenue of the Crown, which has been so much reduced by the exorbitant grants of the last reign." Anne was much annoyed that she was thus "maliciously hindered" by Parliament from showering further honours and gifts upon her favourites.

Prince George's Annuity Bill.

One of the principal measures of the session was the proposal, made in committee of the Commons, to confer on the Prince Consort, in case he should survive the Queen, a grant fixed at the enormous amount of £100,000 a year—a sum double that which any queen of England ever had in jointure. The Commons passed the bill, with a clause declaring that Prince George should not be liable in any future reign to the incapacity of holding employments which was imposed upon foreigners by the Act of Settlement. The peers were now up in arms, regarding this as a "tack" upon a money bill—a pro-

CHAP. I. The Reign of Queen Anne.

ceeding which they had already condemned by a Standing Order as "unparliamentary," and tending "to the destruction of the constitution of this Government."[1] Heated debates ensued, but eventually the bill for the Prince's annuity passed with the obnoxious clause. Protests against it, however, were signed by such eminent peers as Devonshire and Somerset, and by the Archbishop of Canterbury, Bishop Burnet, and other prelates appointed by King William. Marlborough supported it, but, to his extreme annoyance, the Earl of Sunderland, the husband of his second daughter, not only opposed it by his vote, but signed a protest against it.

The Occasional Conformity Bill.

Another important measure, and one of wide political scope, was the bill for preventing occasional conformity. It was a private measure, one of its introducers being Henry St. John, now rapidly acquiring fame, but it had the sympathy of the Queen. Her husband, Prince George, was placed in a delicate position by this bill, seeing that he was himself an occasional Conformist. The bill was designed to prevent Dissenters from complying with the provisions of the Test Act simply to qualify themselves for office or membership of a corporation. The Tories were already powerful in the counties, and hoped by this measure to strike at the Whig ascendency in the towns. The bill provided that any one who attended a Dissenting meeting-house after having taken the Sacrament and test for office of trust or the magistracy of corporations, should be immediately dismissed and heavily fined. This arbitrary measure passed the Commons, but was rejected by the Lords, although the Queen put great pressure upon the peers to pass it. It was rejected for a second time in 1703, and again in 1704. On the latter occasion the more violent Tories, headed by Nottingham, ineffectually endeavoured to carry it by "tacking" it to the Land Tax Bill. At length, in 1711, Nottingham formed an unprincipled coalition with the Whigs, when the latter agreed to support the Occasional

[1] *Lords' Journals*, December 9th, 1702.

Conformity Bill, and it accordingly became law, the money fine being reduced from £100 to £40. This graceless act, which is condemned by all our best historians, remained in force until 1719, when General Stanhope introduced a measure under the ingenious title of a "Bill for strengthening the Protestant interest," by which the Occasional Conformity Act and the Schism Act were abolished, but from which he was obliged to exclude the Test Act. Before the close of the session of 1702-3 a bill was passed which, among other things, made it high treason to endeavour to defeat the succession as now limited by statute. The affair of the famous Kentish Petition was also finally, though somewhat impotently, disposed of by the humble submission at the bar of the House of Commons of its framer, Mr. Colepepper. Action against him was stayed by an address to the Queen.

Great storm in England.

When Parliament met on November 9th, 1703, the accession of the King of Portugal and the Duke of Savoy to the Grand Alliance was made known, but the House of Commons was at the same time told that further subsidies would be required. Public business was interrupted by the most terrible storm ever experienced in England. It began on the night of November 26th, and great loss of life was sustained, as well as immense damage to property. The Commons presented an address to the Queen lamenting the diminution of the royal navy caused by the storm, and beseeching her to give orders for the building of some new ships. This was done, and a proclamation was issued for a general fast, which was observed on January 19th ensuing. This was the only instance, as Macaulay has remarked, in which a tempest was made the occasion of a Parliamentary address or a public fast. In December the Commons cheerfully voted the supplies of men necessary for the war, together with a sum of £1,800,000 for expenses. Considerable excitement arose at this time over the Queensberry Plot, details of which have been given in the account of the Parliament of Scotland.

The Aylesbury Election case.

In the session of 1704, the celebrated Aylesbury election case led to a violent collision between the House of Commons and the House of Lords. For many years there had been complaints of gross corruption at the Aylesbury elections. The returning officers were in the habit of making a bargain with some of the candidates, and then managing matters so that they should be elected. At the last election the vote of a burgess named Matthew Ashby had been rejected by the returning officer, William White. Ashby brought an action against White at the county assizes, and obtained a verdict. It was moved, however, in the Court of Queen's Bench, to quash these proceedings ; and a majority of the judges, contrary to the opinion of Chief Justice Holt, decided against Ashby, on the ground that no harm had been done to him, and that decisions on the right to vote belonged to the Commons alone. But the question was next brought by writ of error before the House of Lords, where it was decided by a large majority to set aside the order of the Queen's Bench, thus placing franchises under the common law. The Commons now took fire. Ignoring the temperate advice of the Whig lawyers, William Cowper and Sir Joseph Jekyll, they passed a string of resolutions declaring that the qualification of any elector was cognisable only by themselves, and that Ashby had been guilty of a breach of privilege in commencing his action. The Lords passed contrary resolutions, and the quarrel was left open when Anne closed the session early in April. Ashby and four other burgesses next sued out execution for damages against the returning officers, but the Commons promptly committed the plaintiffs and their attorney to Newgate. The prisoners moved for a writ of *habeas corpus*, but the judges of the Queen's Bench—again contrary to the opinion of Holt—decided that they had no jurisdiction in the matter. It was next determined to bring the matter by writ of error before the Lords ; but the Commons voted an address to the Queen praying her not to grant a writ of error. Her Majesty replied that the matter required careful con-

sideration, which was tantamount to a refusal. Thereupon the Lords passed these important resolutions: that neither House of Parliament could arrogate to itself any new privilege; that the Commons had assumed an unwarranted legislative power by attributing the force of law to their declaration; that they had thereby subjected the rights of Englishmen to the arbitrary votes of the House of Commons; that every Englishman who was imprisoned by any other whatever had an undoubted right to his writ of *habeas corpus*; that for the Commons to punish any person for assisting a prisoner to procure such a writ was a breach of the statutes provided for the liberty of the subject; that a writ of error was not one of grace, but of right, and ought not to be denied to the subject when duly applied for. A conference between the two Houses proved abortive, and as the Queen prorogued Parliament shortly afterwards, a great constitutional question thus remained undecided.[1]

Queen Anne's Bounty.

Anne celebrated her fortieth birthday by a noble act of beneficence. The birthday actually fell on a Sunday, February 6th, but on the following day Sir Charles Hedges, Secretary of State, brought down to the House of Commons a message from the Queen, importing that her Majesty desired to make a grant of the whole of that portion of her revenue arising out of the First Fruits and Tenths for the benefit of the poorer clergy. These first-fruits and tenths were originally sent to Rome, but Henry VIII. added them to the Crown revenue. Charles II. squandered the fund on his mistresses and their offspring. Bishop Burnet had recommended to William and Mary a

[1] Hallam (*Constitutional History*) justly observes upon this famous case—"The House of Commons had an undoubted right of determining all disputed returns to the writ of election, and consequently of judging upon the right of every vote. But as the House could not pretend that it had given this right, or that it was not, like any other franchise, vested in the possessor by a legal title, no pretext of reason or analogy could be set up for denying that it might also come, in an indirect manner at least, before a court of justice, and be judged by the common principles of law."

CHAP. I. The Reign of Queen Anne.

plan for benefiting the poorer clergy by the use of the fund, and he now took considerable credit for Anne's resolve. The income was £17,000 a year, to which Parliament added an annual grant of £100,000. The bill enabling her Majesty to alienate this branch of her revenue also created a corporation to act as trustees for the bounty. There was likewise a clause repealing a part of the statute of mortmain, so that it might henceforth be free to any man to give what he thought fit, either by deed or will, towards the augmentation of benefices. This clause was warmly opposed in the Lords, but it was eventually carried with the rest of the bill. Later statutes of George I., George III., and Victoria enlarged the scope of the original act as touching the livings to be dealt with; and further allowed certain advances for repairing chancels, building parsonages, and other similar purposes. "Queen Anne's Bounty" has well fulfilled its appellation, and rendered signal service to the Church.

Harley and St. John take office.

Ministerial changes were effected before the close of the session of 1704. The Earl of Jersey and Sir Edward Seymour were dismissed from office, and Nottingham—nicknamed the "Dismal," because of his lugubrious predictions in public affairs—resigned. He was succeeded as Secretary of State by Robert Harley, then Speaker, and one of Marlborough's personal friends. Harley began his career as the Whig member for a Cornish borough, but he had now become a moderate Tory. He developed into an adroit politician, and "possessed in perfection a low sort of management and all the base arts of party, which enabled him to cajole and keep together his followers, and to sow divisions amongst his enemies."[1] The office of Secretary-at-War was taken from Blathwayte, a man of little note, and given to the brilliant Henry St. John, who since the year 1700 had sat as Tory member for Wotton Basset.

Marlborough and Blenheim.

When Parliament met on October 29th, 1704, the Queen was able to congratulate the two Houses on the glorious victory of Blenheim. Although the Tory majority

[1] Lord Stanhope's *Reign of Queen Anne.*

tried to depreciate Marlborough's success, the Commons readily voted the supplies for a vigorous prosecution of the war. These supplies amounted to the enormous sum, for those days, of £4,670,000, which was raised mainly by a land-tax of four shillings in the pound, by a continuance of the malt duties, and by the sale of nearly one million of annuities. At the instance of the Queen, Marlborough was now rewarded with a free gift of the royal manor and honour of Woodstock, cleared of all encumbrances. A bill passed both Houses without a dissentient voice settling this noble domain free of charge on Marlborough and his heirs for ever, as a feudal tenure from the Crown, on the sole condition, as the act itself describes it, of "rendering to her Majesty and her successors on the second day of August in every year for ever, at the castle of Windsor, one standard or colours with three Flowers de Luces painted thereupon." This feudal tenure has ever since been maintained. Anne also erected the palace of Blenheim, from the designs of Vanbrugh, as a mark of her own and the nation's gratitude.

Parliament of 1705.

The elections of 1705 went in favour of the Whigs, and on the opening of the new Parliament on October 25th their candidate, John Smith, member for Andover, was elected Speaker by 248 votes against 205 given for William Bromley, who represented the university of Oxford on High Church principles. In the Upper House Lord Haversham moved an address entreating her Majesty to invite the presumptive heir "into this kingdom to reside here." The Tory chiefs, Rochester, Nottingham, and Buckingham, strongly supported the proposal, although they knew it was very distasteful to the Queen, and that she would never consent to it. Buckingham especially was very offensive, and even suggested that "perhaps the Queen might live till she did not know what she did, and be like a child in the hands of others." This was enough to shake Anne's faith in the Tories. Ministers carried the previous question, but they subsequently brought in two measures for the better

CHAP. I. The Reign of Queen Anne.

The Succession.

The Regency Bill.

security of the succession. The first, which passed without difficulty, was entitled "An Act for the naturalisation of the most excellent Princess Sophia" and her issue, with a saving clause denying the benefits of the act to any one who should become a Papist. The second measure of security, which was ably explained by Bishop Burnet and Lord Wharton, came to be commonly known as the Regency Bill. It provided for the immediate proclamation of her successor upon the Queen's demise, nominated seven great officers of state to act as the Lords Justices and carry on the government in the new sovereign's absence, and empowered the next heir to nominate any other persons to act in conjunction with the Lords Justices.

Office-holders in Parliament.

It is important to note likewise that under this bill the clause in the Act of Settlement which, after the accession of the House of Hanover, would exclude all holders of office from the House of Commons, was to cease to be absolutely prohibitory. Certain offices were specified as being unquestionably disqualifying, besides all those that might at any time be created since the day the Parliament met—October 25th, 1705. With regard to other cases, the acceptance of office was to vacate the seat, but the electors were free to re-elect the office-holders. This act of 4 and 5 Anne was re-enacted in 1708, after the Union with Scotland. It now took a wider form, preventing the holders of pensions from the Crown or of offices created after October 25th, 1705, from sitting in Parliament. Members of Parliament appointed to offices under the Crown which had existed before the date just mentioned must vacate their seats, but might seek re-election. This is the law which still continues to regulate the Ministerial system.

The Church.

The Tories raised the cry of "The Church in danger!" but when a debate was initiated in the House of Lords the alarm-cry was negatived by 61 votes to 30, and it was resolved that "under the happy reign of her Majesty, the Church is in a most safe and flourishing condition"; and that "whoever goes about to suggest

and insinuate that the Church is in danger is an enemy to the Queen, the Church, and the kingdom." The resolution was confirmed by the Commons by 212 votes to 160, and it was embodied in a joint address to the Queen from the two Houses.

Sunderland Secretary of State.

Marlborough now relied almost wholly upon the Whigs, and Sunderland, the Whig statesman, was appointed Secretary of State in place of Hedges on December 3rd, 1706. Parliament met the same day, being opened by the Queen in person. It quickly voted the supplies, as well as its thanks to the Duke of Marlborough for his great victory of Ramillies, and a bill was passed by which, on the failure of a son, the dukedom and domain were settled on the victorious general's daughters in succession and their issue male. A day of general thanksgiving was appointed, on which the great officers of state and the members of both Houses of Parliament accompanied the Queen to St. Paul's. Promotions and creations in the peerage were gazetted, nearly all of which were in favour of the Whigs. Political parties were sharply divided on most questions, but all cordially united in January, 1707, in an act of Parliament to settle a pension of £5,000 a year out of the revenue of the Post-office upon the Dukes of Marlborough in due descent for ever. The leaders of the high Tories had now carried their disturbing tactics to such a pass that Ministers prevailed upon her Majesty to strike the names of Buckingham, Nottingham, Rochester, and some others from the list of her Privy Council.

Victory of Ramillies.

New Great Seal.

As the Act of Union with Scotland was to come into force on May 1st, 1707, a new Great Seal was prepared for the United Kingdom, and Lord Cowper, who already held the English seal, was retained in the post of Chancellor, his lordship thus being the first Lord Chancellor of Great Britain. Prince George and Lord Godolphin likewise respectively took new oaths as Lord High Admiral and Lord Treasurer of Great Britain.

Abigail Hill.

Anne was largely ruled by her favourites in public matters, and in the year 1707 there came into favour

CHAP. I.

The Reign of Queen Anne.

Abigail Hill, whose mother was an aunt of the Duchess of Marlborough. She owed the appointment of bed-chamber woman to the Queen to the influence of the Duchess herself, who was now rapidly losing the confidence of Anne. Abigail Hill married privately, in the Queen's presence, Mr. Samuel Masham, one of Prince George's gentlemen. The Duchess speedily discovered that Harley, who was Mrs. Masham's cousin, was using her as a means of furthering his interests with the Queen. It was believed to be owing to the influence of Harley and Mrs. Masham that Anne filled up the vacancies in the sees of Exeter and Chester with High Church and Tory prelates, without consulting Godolphin and the Marlboroughs. The Whigs threatened to withdraw their support from the Government unless the Queen could be coerced in her Church appointments, and they still declined to be altogether mollified when a divine of thorough Whig principles was appointed to a third see which opportunely became vacant.

Admiral Churchill.

The Whig chiefs resolved to vent their wrath against Godolphin and Marlborough by striking at the latter's brother, Admiral George Churchill, a foolish and irascible Tory of the extreme school. He was vehemently attacked for his mismanagement of the navy, and his defiant reply to a commission of inquiry into his conduct only exasperated his enemies the more. He managed, however, to maintain his ascendency at the Admiralty until 1709, when he was dismissed.

First Parliament of Great Britain.

The first Parliament of Great Britain met on October 23rd, 1707. The House of Commons promptly voted the necessary supplies for the war, although they amounted to £6,000,000, "an amount which seemed altogether stupendous to the financiers of Queen Anne's reign. 'Six millions of supplies and almost fifty millions of debt!' cried Swift towards the end of the war; 'the High Allies have been the ruin of us!'"[1] In the Upper House Lords Wharton, Somers, and others inveighed

[1] Stanhope's *Reign of Queen Anne.*

against the Government for the decay of trade, and on November 19th there was a great debate on the state of the nation, when the House went into committee with Lord Herbert of Cherbury as chairman. Wharton again took the lead, but it was Lord Halifax who brought the debate to a practical issue by moving the appointment of a committee to receive proposals for the encouragement of trade and privateers in the West Indies. The Lord Treasurer gave way to the motion, which was an implied slight upon the Board of Admiralty, and the committee was appointed.

The Conduct of the War.

On December 19th the peers again went into committee on the state of the nation, when, amongst other things, the conduct of the Earl of Peterborough was discussed. This splendid military leader, whose excitability prevented him from doing justice to his own talents, had been recalled by Sunderland. But personal matters soon gave way to the general conduct of the war. A resolution was passed, on the motion of Somers, that no peace could be honourable or safe for her Majesty or her allies if Spain and the Spanish West Indies were suffered to continue in the power of the House of Bourbon. Other motions, combined in the form of an address, prayed the Queen to urge upon the Emperor the necessity of sending reinforcements to the allied armies. The passing of these resolutions formed the last joint act of the Whigs and Tories out of place. A few days later, an important addendum was made to the resolutions, at the instance of Somers, which pledged "Parliament, so far as it could be pledged, to an indefinite prolongation of the war."[1]

Harley resigns office.

Now came a severe Ministerial crisis. Marlborough and Godolphin were determined to oust Harley, and the discovery that one William Gregg, a clerk in his office, was in correspondence with France, was made the ground for his dismissal. Gregg was tried, convicted of high treason, and sentenced to be executed. As a menace against Harley, the peers appointed by ballot a committee

[1] Stanhope's *Queen Anne.*

of seven Whig lords to examine Gregg, whereupon Harley gave up the struggle and resigned office. It should be stated that just before his death Gregg solemnly denied Harley's complicity. With Harley, there went out of office Henry St. John, War Secretary, Sir Simon Harcourt, Attorney-General, and Sir Thomas Mansell, Comptroller of the Household.

Walpole.

Robert Walpole now came into prominence as the most rising man in the Whig party. This celebrated statesman, who was born in 1676, was the son of a Norfolk gentleman, and was educated at Eton and King's College, Cambridge. In 1702 he was returned to Parliament for Castle Rising. He now took St. John's place at the War Office. Harley was succeeded as Secretary of State by Henry Boyle, whose previous office of Chancellor of the Exchequer was given to the Speaker, John Smith. As the Queen some months later was compelled to accept Somers as President of the Council, it will thus be seen that a considerable number of the body known as the Whig Junto were now installed in office.

Designs of the Pretender.

The expedition fitted out in 1708 by the King of France in the interests of the Pretender failed completely. Upon the news of it, Parliament showed its zeal for the Queen by voting loyal addresses and passing bills to strengthen the Government. The Habeas Corpus Act was suspended, and numerous arrests were made. Anne herself was very wroth at the attempt to dethrone her, and in closing the session on April 1st she denounced "the designs of a Popish pretender, bred up in the principles of the most arbitrary government." Before the year closed a great sorrow fell upon Anne by the death of her royal consort, Prince George, who expired on October 20th.

Death of Prince George.

Parliament and the Succession.

When Parliament met on November 16th, the Whig influence was unquestioned. Sir Richard Onslow was chosen Speaker, in opposition to Mr. Bromley, whom the Queen had favoured. Scarcely anything was done during the session beyond the passing of loyal addresses and the voting of supplies. In the ensuing January the two

Houses drew up an address recommending a second marriage to the Queen, but Anne replied that she had made provision for the Protestant succession, and added, "The subject of this address is of such a nature that I am persuaded you do not expect a particular answer." Godolphin and Marlborough were still harassed by the Whigs to provide places for their friends, so that the former wrote to the latter, "I must give myself the vent of saying that the life of a slave in the galleys is paradise in comparison with mine." Nevertheless Edward Russell, Earl of Orford, was appointed First Lord of the Admiralty.

The Law of Treason.

Before the session closed an act was passed making the laws in cases of treason the same throughout the United Kingdom. But as it was feared that this might lead to severe retrospective prosecutions, Ministers supplemented it by carrying through an Act of Grace and Free Pardon, which was the first of the reign and the fullest since the Revolution. It granted forgiveness for all treasons committed before the passing of the act, save those only done on the high seas. But for this beneficent act, great personages like Godolphin and Marlborough might even have been struck at, as both had formerly made secret engagements with the exiled King, and rendered themselves liable to all the penalties of high treason.

A rebuff for Marlborough.

The position of the Marlboroughs with the Queen was now so critical that the General desired to make himself independent of the Sovereign by obtaining a patent for life of his office as captain-general or commander-in-chief. This was a very unwise step, seeing that public feeling was already roused against his ambition and the accumulation of offices in his own and the Duchess's hands. The Lord Chancellor was consulted, but he declared that he would not put the Great Seal to such a patent. Marlborough wrote to the Queen praying to be made general for life, but she was both alarmed and seriously offended, and refused the request in decided terms.

CHAP. I.
The Reign of Queen Anne.

The War.

In 1708 the battle of Oudenarde had been won, and Louis XIV. made another effort to treat for peace, but his terms were rejected. Tournay and Mons were captured in 1709, and in September of that year Marlborough and Prince Eugène defeated Villars at Malplaquet. The English Parliament voted further liberal supplies for the war in November.

Impeachment of Sacheverell.

The Whigs now seemed to have thoroughly established themselves, and they were looking forward to a long lease of power, when an incident happened which made them very unpopular and led to their downfall. This was the famous impeachment of Dr. Henry Sacheverell. Sacheverell was a Fellow of Magdalen College, Oxford, and a follower of Laud. Elected in 1705 chaplain of St. Saviour's, Southwark, in November, 1709, he preached before the Lord Mayor and aldermen at St. Paul's his audacious sermon on "The Perils of False Brethren both in Church and State." He denounced the principles of the Revolution, and severely attacked the Dissenters, and also the Whig Ministry, referring to Godolphin under the name of Volpone, or "Old Fox." The doctrine of non-resistance was strongly upheld. It is said that forty thousand copies of the discourse were sold. The Ministry were very wroth, and Sunderland proposed that Sacheverell should be impeached. He was supported by Godolphin, but opposed by Somers and Marlborough. The House of Commons voted the sermon, as well as another preached by the Doctor at Derby, to be "malicious, scandalous, and seditious libels, highly reflecting upon her Majesty and her Government, the late happy Revolution, and the Protestant succession." A committee was appointed to draw up articles of impeachment, and Sacheverell was arrested, and refused bail by 114 to 79 votes. After the Lords had received the articles of impeachment, however, they allowed bail, but fixed it at a high amount—Sacheverell in £6,000 and two sureties in £3,000 each. The trial was fixed for February 27th, 1710, but long before then Ministers began to see that they had taken an impolitic step. Still, as Hallam has remarked, although

the prosecution was very ill-advised and has been deservedly censured, "it was of high importance in a constitutional light, and is not only the most authentic exposition, but the most authoritative ratification, of the principles upon which the Revolution is to be defended."

His Trial.

The trial began on the day appointed in Westminster Hall, Lord Chancellor Cowper presiding. The managers of the impeachment ably opened the case, and among those who especially distinguished themselves were Jekyll, Lechmere, Stanhope, Parker, and Walpole. The clear statement of General Stanhope on the great doctrine of justifiable resistance may be said to represent the gist of the various arguments. "I believe," he said, "that there is not at this day subsisting any nation or government in the world whose first original did not receive its foundation either from resistance or compact; and as to our purpose it is equal if compact be admitted. For wherever compact is admitted there must be admitted likewise a right to defend the rights accruing by such compact." Sir Simon Harcourt, the leader of the Doctor's five counsel, was wise enough to ignore Sacheverell's extreme position. Indeed, he acknowledged the lawfulness of resistance in critical cases, and justified the revolution under King William; but he maintained that obedience ought to be the rule, and resistance only the exception. It was therefore argued that the general duty, and not the extraordinary exception, ought to be advanced in a sermon. The sympathies of the greater portion of the populace were all with the accused, and during the three weeks of the trial "Sacheverell and the Church for ever!" became the popular cry. The Queen herself, who went several times to the trial incognito—as she on other occasions attended the debates in Parliament—turned over to the Doctor's side. Upon the conclusion of the arguments, Sacheverell read an eloquent defence, supposed to have been written for him by Atterbury. The Lords declared the accused guilty by 69 to 52. He was suspended for three years, and his sermon was burnt by the common hangman; but a motion that he should be incapable of preferment was

CHAP. I. The Reign of Queen Anne.

thrown out. "This was deemed a sort of triumph by his adherents, but a severe punishment on a wretch so insignificant would have been misplaced; and the sentence may be compared to the nominal damages sometimes given in a suit instituted for the trial of a great right."[1] Sacheverell "was a bold, insolent man, with a very small measure of religion, virtue, learning, or good sense; but he resolved to force himself into popularity and preferment by the most petulant railings at Dissenters and Low Churchmen in several sermons and libels, written without chasteness of style or liveliness of expression."[2]

Sunderland and Godolphin dismissed.

Events were working rapidly against the Whig Ministry. While they were suffering obloquy for the Sacheverell impeachment, the Queen completely broke with the Duchess of Marlborough. Then an unsuccessful attempt to bring the war to a close was made by the conference at Gertruydenberg. Urged thereto by the Tories, the Queen dismissed Sunderland, and on August 8th, 1710, Godolphin fell also. Anne avoided an interview with him, but sent him a note to the effect that she would give him a pension of £4,000 a year. Her Majesty added, "I desire that, instead of bringing the staff to me, you will break it, which I believe will be easier to us both."

Harley's Ministry.

Harley now formed a Ministry. At first he endeavoured to secure the support of leading Whigs, like Somers, Halifax, and Walpole; but failing in this, he fell back wholly upon the Tories. Harley was Chancellor of the Exchequer, St. John Secretary of State, Sir Simon Harcourt Lord Keeper, Rochester Lord President, Buckingham Lord Steward, Shrewsbury Lord Chamberlain, Ormonde Lord Lieutenant of Ireland, and the Bishop of Bristol Privy Seal. This was the last occasion in our annals in which a bishop filled a political office. In 1711 Harley was created Earl of Oxford, and became Lord Treasurer; and at a later period, when further changes were made, Sir William Wyndham became Chancellor of the Exchequer.

[1] Hallam's *Constitutional History.*

[2] Burnet's *History of his own Time.*

Parliament was dissolved on September 21st, 1710, and at the ensuing elections the Tories largely prevailed, carrying their candidates in many popular centres, as well as in boroughs supposed to be under Whig influence. They were also successful in the election of Scottish representative peers. The new Parliament met on November 27th, and the Commons chose as their Speaker William Bromley, who, on two occasions already cited, had been unsuccessful in the contest for the Chair.

Tory success at the Elections.

Early in 1711, through the intrigues of Harley and Mrs. Masham, the Duchess of Marlborough was dismissed from all her offices. But it must be admitted that by a constant abuse of her ascendency she had at length become intolerable to the most forbearing of queens and mistresses.[1]

The Duchess of Marlborough.

Towards the close of 1710 Harley had begun to open up peace negotiations with France, at the same time intriguing with the Jacobite Court at St. Germains concerning the restoration. Anne was to retain the crown for her life, and securities were to be given for the national religion and liberties ; but a peace must precede any settlement. Nothing was done, however, and Harley unquestionably betrayed the friends of the House of Stuart. They ought to have distrusted him, seeing that he was averse to the High Tories and their principles of government, and that he made numerous overtures to the Whigs. The probability is that if Harley, who was a man of crooked counsels, had a serious article in his political creed, it was one in favour of the House of Hanover.

Harley and the Jacobites.

---

[1] "It seems rather a humiliating proof of the sway which the feeblest prince enjoys even in a limited monarchy that the fortunes of Europe should have been changed by nothing more noble than the insolence of one waiting-woman and the cunning of another. It is true that this was effected by throwing the weight of the Crown into the scale of a powerful faction, yet the House of Bourbon would probably not have reigned beyond the Pyrenees but for Sarah and Abigail at Queen Anne's toilet" (Hallam's *Constitutional History*).

War Supplies.

In the session of 1711 the Commons readily voted the war supplies, amounting to £6,000,000. To obtain this two bills were passed to raise £3,500,000 by two lotteries, to be paid back in thirty-two years; and, as a fund to meet this, duties were laid on hops, candles, cards and dice, and on the postage of letters. A duty on skins and tanned hides was also agreed to, in order to make up the deficiency. But a scheme for a further resumption of King William's grants, though accepted by the Lower House, was rejected by the Lords.

Immigration of Lutherans.

Poor emigrants from the Palatinate, chiefly Lutherans, having come over to England for two years past in considerable numbers, a cry was raised that the country was encouraging strangers while our own people were starving. The Commons passed resolutions against further immigration, and affirmed that "whoever advised the bringing over the poor Palatines into this kingdom was an enemy to the Queen and kingdom." A bill was passed to repeal the act for the general naturalisation of all Protestants; but, to the great joy of the foreign Protestants, it was rejected by the House of Lords.

Attempted assassination of Harley.

The Prime Minister had a narrow escape from assassination in March. The Marquis de Guiscard, a French adventurer of indifferent character, had been detected carrying on a treacherous correspondence with the French Court. He was arrested and brought before the Privy Council. Guiscard had been consulted by Marlborough and Godolphin with regard to their projects in Languedoc and Picardy, but his counsels had been rejected and his pension reduced by Harley. He then offered to make his peace with the French Court by a complete disclosure. Finding on examination before the English Privy Council that everything was known, he stabbed Harley with a penknife which he had secreted. Guiscard was overpowered, but he had sustained such injuries in the struggle that he died a few days afterwards in Newgate. Harley's wound was fortunately not dangerous, but the two Houses were so incensed by this "barbarous and villainous attempt" of "a French Papist" that the Queen

was moved to issue a proclamation putting in execution the laws against the Papists, especially as to their removal from London and Westminster; while an act was passed making an attempt on the life of a Privy Councillor in the execution of his office to be felony without benefit of clergy.

Protection of Privy Councillors.

The Property Qualification Act was passed in the session of 1711. It provided that a qualification in land was essential to a seat in Parliament—£300 a year for a burgess and £600 for a knight of the shire. Scotland was excepted because of the smallness of its estates. "The design of this bill," remarks Bishop Burnet, "was to exclude courtiers, military men, and merchants from sitting in the House of Commons, in hopes that, this being settled, the land interest would be the prevailing consideration in all their consultations." The act was frustrated, however, by the granting of nominal and fictitious qualifications, but it remained on the statute book until the year 1858, when the property qualification for English and Irish members of Parliament was formally abolished.

Property Qualification Act.

The disastrous South Sea scheme had its origin in 1711. Harley brought forward his financial proposals in the House of Commons on May 2nd. He proposed to satisfy all the outstanding debts and deficiencies, which amounted in the navy alone to upwards of five millions, and on the whole to nearly ten millions sterling, by allowing the proprietors of these debts and deficiencies a yearly interest of 6 per cent. redeemable by Parliament. Accordingly a company was incorporated, and it was granted a monopoly of the South Sea trade. More remains to be said of this project at a later period.

The South Sea Company.

Guiscard's attempt on Harley had made the latter very popular, and shortly afterwards the Minister's position was further strengthened by the death of his principal rival, the Earl of Rochester. On May 24th a patent was issued creating Harley Earl of Oxford, an ancient title which had been held by the De Veres from 1137 to 1702. In case a remote descendant should appear to claim this

Harley, Earl of Oxford.

CHAP. I. The Reign of Queen Anne.

illustrious title, Harley's creation ran "Earl of Oxford and Earl Mortimer." Five days after his elevation he was raised to the further dignity of Lord Treasurer. The future Dean of St. Patrick's remarked, "This man has grown by persecutions, turnings out, and stabbing."

The Whigs attack the Peace.

Nottingham and his friends, who were inimical to the Ministry, were engaged in making terms with the Whigs, when Parliament met on December 7th. The Queen announced in her speech from the throne that both place and time were appointed for opening the treaty of a general peace, "notwithstanding the arts of those who delight in war"—an expression which was interpreted as a slight upon Marlborough and the Whigs. When the address had been duly moved and seconded, Nottingham bitterly attacked the articles of peace, and said he would rather contribute half his income for a war which should secure the objects of the Grand Alliance than acquiesce in such a peace. He moved to add a clause to the address, "That no peace could be safe or honourable to Great Britain or Europe if Spain and the West Indies were allotted to any branch of the House of Bourbon." Nottingham was supported by Wharton, Sunderland, Cowper, Bishop Burnet, and the whole strength of the Whig party, and Ministers made but an inefficient defence. The great incident of the debate, however, was the speech of Marlborough. Rising in the presence of the Queen and of an illustrious assembly, he solemnly, and with much emotion, called God to witness that he had ever desired a safe, honourable, and lasting peace, but to the measures now proposed he could not give his assent. Nottingham's clause was carried against the Government by 62 votes to 54, though in the House of Commons the same evening a similar amendment, moved by Walpole, was rejected by 232 to 106.

The Scottish peers.

The Opposition peers in the Lords were so elated with their victory that they now introduced and pushed through the Occasional Conformity Bill, as already described. Then, viewing with alarm the possible admission of more Scottish peers through British peerage patents,

they carried by 57 votes to 52 a resolution that Scottish peers thus created peers of Great Britain had no right to sit in the House of Lords. The rule thus established remained in force until 1782, when—upon a report from the judges that no such disability had been created by the Act of Union—the Lords revoked their former decision.

Fall of Marlborough.

Ministers were embarrassed on many points by the hostile action of the peers, and saw that in some way the Opposition must be crippled. They moved first against the Duke of Marlborough. A commission on the public accounts, which was strongly actuated by party spirit, had reported that of the moneys granted by Parliament for the public service up to Christmas, 1710, no less than £35,000,000 remained unaccounted for. Among the documents laid before the commission was one which bore hardly against the great Duke. Sir Solomon Medina, a wealthy Jew and the contractor for bread to the army in Flanders, deposed that he had paid to his Grace, for his own use, on his several contracts a sum of 332,000 guilders. As the previous contractor, M. Machado, had made similar private payments, it was computed that in ten years the Duke had received from the bread contractors and applied to his own use a sum equivalent in English money to upwards of £63,000. It was further stated that Marlborough had received and applied to his own use the sum of £177,000, percentages on the subsidies to foreign troops. Marlborough claimed that these were rightful perquisites, but the report of the commissioners strongly denied this. The charges were reported to the Queen, who dismissed him from all his offices on December 31st.

Creation of peers.

On the same day her Majesty created twelve new peers, to enable the Government to secure a majority in the House of Lords. Among the new creations were George Granville, who became Lord Lansdowne, and Samuel Masham, husband of the favourite, who became Lord Masham. On January 2nd, 1712, a motion that the Upper House should adjourn to the 14th was carried

CHAP. I. The Reign of Queen Anne.

by a majority of 13 only, including the twelve new peers, whereupon, seeing the number was the same as that of a petty jury, Lord Wharton sarcastically asked whether they would vote singly or by their foreman.

The Electoral family.

A bill had been brought forward in the House of Lords for giving to the Electoral Prince, as Duke of Cambridge, the precedence of all peers. But early in the session of 1712 the Lord Treasurer introduced another bill giving precedence to the whole Electoral family of Hanover, as to the children and nephews of the Crown. Upon this Devonshire, who introduced the first-named measure, withdrew it, and the Ministerial bill passed through both Houses in two days.

Proceedings against Walpole

Meantime the majority in the Commons pursued their vindictive policy towards prominent leaders of the Opposition. Robert Walpole was charged with peculations in connection with certain forage contracts in Scotland while he was Secretary-at-War. He was pronounced guilty of notorious corruption, expelled the House, and committed to the Tower. He disdained to make his submission, and remained in the Tower until the prorogation. Two of the resolutions by which he was condemned were carried by extremely small majorities—12 and 22—and his defence being regarded as quite complete, he was re-elected for East Lynn. Walpole rendered great service to his party at this time by his two pamphlets: *The Debts of the Nation Stated and Considered* and *The Thirty-five Millions Accounted for*. Having humiliated Walpole, the Commons next took up

and Marlborough.

the case of Marlborough. The debate produced speeches of much eloquence on both sides, St. John, Wyndham, and Hanmer being answered by Pulteney, Onslow, and King. Powerful arguments were adduced for the Duke's exculpation, but the House declared by 265 votes to 155 that the payments made to Marlborough by the bread contractors were unwarranted and illegal. A second resolution affirmed that the 2½ per cent. deducted from the foreign troops was public money, and ought to be accounted for. The Duke declined to plead before the

Commons, but he caused to be drawn up and published an able statement in his defence.

Scottish legislation.

Two acts affecting Scotland were passed this session. One of them restored, in opposition to the feeling of the Scottish Church, the ancient rights of patronage. The effects of this measure were felt for upwards of a century, and greatly contributed to the "disruption" of 1843. An act to protect the members of the Episcopal Church in Scotland from disturbance and interruption in their public service caused great resentment among the Scottish Presbyterians, and the General Assembly "declared itself astonished and afflicted at this monstrous measure."

The Peace negotiations.

Although peace negotiations abroad had been proceeding for some time, Ministers in England declared themselves ready to continue the war unless the arrangements were satisfactory to this country. The Duke of Ormonde, a Jacobite, was made commander-in-chief in Flanders, but debates arose in both Houses as to the dilatory prosecution of the war. There were also apprehensions that England sought to conclude a separate peace, but Oxford strenuously denied that "so base, so knavish, and so villainous" a thing was contemplated. On the general question of the negotiations, the Government were sustained on a division by 68 to 40 votes; but a strong protest against this decision was signed by 27 peers, including Marlborough. This protest was afterwards expunged by order of the House, asterisks only taking its place in the journals. In the Commons Pulteney made a brilliant speech against Ministers, but they were supported by 203 votes to 173. On June 6th Anne appeared in person in the House of Lords, and announced that negotiations with France and Spain were in a state of forwardness. Particular care would be exercised to have the Protestant succession in the House of Hanover clearly acknowledged, and measures also would be taken to prevent the crowns of France and Spain from ever being united on the same head. Addresses of confidence and concurrence were moved in both Houses. The Commons carried theirs unanimously, but in the Lords

CHAP. I. The Reign of Queen Anne.

there was a spirited debate. Marlborough denounced the measures pursued in England as contrary to her Majesty's engagements with the Allies, and as having sullied the triumphs and glories of her reign, and rendered the English name odious to all other nations. He was supported by Godolphin, Wharton, Nottingham, and Cowper; but an amendment to the address praying that her Majesty's allies should be invited to join her in a mutual guarantee was rejected by 81 to 36. A protest against the terms of the treaty was signed by 24 peers, including Marlborough and Godolphin; but it was expunged from the journals by direction of the House. It got into circulation, however, in the country, and a reward was offered for the discovery of all persons engaged in disseminating this "malicious and scandalous paper."

Liberty of the Press infringed.

The Commons at the same time interfered with the liberty of the press. A volume of sermons by Bishop Fleetwood, of St. Asaph, having just been published, with a preface in which the terms of peace were earnestly lamented and condemned, the House resolved, by a majority of 119 to 53, that "the said preface is malicious and factious," and that it "be burnt by the hands of the common hangman upon Thursday next" (June 12th) "at twelve of the clock in Palace Yard, Westminster." The House further imposed this session the first stamp duty, for the purpose of repressing libels. The effect of the act was to lessen the circulation of cheap papers. Parliament was prorogued on July 8th, and immediately afterwards St. John was created Viscount Bolingbroke, and Oxford received the Order of the Garter. In the following September there was removed from the political stage by death the once powerful statesman Godolphin.

The first Stamp Duty.

Sir Richard Steele expelled.

Sir Richard Steele, the genial essayist, who had been returned to Parliament in 1709 as member for Stockbridge, excited the ire of the Government by his effective writings. At length, in the session of 1714, he was expelled from the House of Commons for publishing *The Crisis*, a pamphlet reflecting on the Ministry. The

House, by this curtailment of the liberty of the press, identified itself with the executive, and considered itself libelled by the impugning of its measures.

Peace of Utrecht.

The Peace of Utrecht was concluded on March 31st, 1713, according to the style of England—April 11th according to the style of the southern Continental nations. A treaty of peace and a treaty of commerce were signed between France and England. There were also separate treaties for the States of Holland, the King of Portugal, the King of Prussia, and the Duke of Savoy. The treaty between England and Spain was not formally concluded for some weeks afterwards; and the French treaties with the Emperor and the empire, re-establishing the two Electors, were not signed until March 6th, 1714, at Rastadt and Baden. The principal provisions of the treaties were as follows: First, as between England and France—the Protestant succession, through the House of Hanover, was secured; the Pretender was to be compelled to quit France; a permanent severance of the crowns of France and Spain was solemnly promised; and Newfoundland, Acadia, and the Hudson's Bay Territory were ceded to England. Secondly—the Dutch secured a strong fortress barrier, and the Spanish Netherlands were handed over to them, while Lille was given back to France. Thirdly—the Duke of Savoy secured Sicily and the title of king. Fourthly—the treaty between Spain and England, signed in July, granted to England the possession of Gibraltar and Minorca; and by the Assiento, a contract signed at Madrid, the Catalans were left to their fate, the grant of the slave trade was withdrawn from France, and the English were assigned the right of trading in slaves to America, and of sending one ship a year to the South Seas.

Ministerial dissensions.

Soon after the Utrecht pacification, dissensions broke out in the English Ministry. Bolingbroke was in favour of a Stuart restoration, but Oxford opposed such an extreme measure; upon this Bolingbroke, to overthrow the Lord Treasurer, approved the introduction of the Schism Act, a measure conceived in a High Church

The Schism Act.

CHAP. I. The Reign of Queen Anne.

spirit. Brought forward by Sir William Wyndham in the Commons, its object was to confirm a clause in the Act of Uniformity which precluded schoolmasters and tutors from giving instruction without previously subscribing a declaration of conformity to the Established Church. Although this restriction was not abolished by the Toleration Act, it had long been practically suspended. The Schism Act therefore, which became law in May, 1714, imposed severe penalties on all tutors and schoolmasters who were not members of the Church of England and licensed by the bishop. Some alleviating clauses, but none of a vital character, were carried in the Upper House. This iniquitous measure was likewise extended to Ireland. Thirty-three peers signed a protest against the Act, including Somers, Halifax, Argyll, Nottingham, Wharton, Townshend, and five bishops.

Oxford dismissed.

The quarrel between Oxford and Bolingbroke deepened. Oxford's indecision was resented by his party, and the Queen herself frequently had cause to complain of his disrespect. So on July 27th, after a violent scene in the Cabinet, Oxford was dismissed, the Queen resumed the Treasurer's staff, and Bolingbroke became Prime Minister. Bolingbroke's opportunity now seemed to have come, but the Queen was attacked by mortal illness, and as she lay on her deathbed she was induced by a deputation of the Council to entrust the Lord Treasurer's staff to Shrewsbury, who was now a firm adherent of the House of Hanover.

Bolingbroke Premier.

Death of the Queen.

On August 1st, 1714, the last of the Stuart sovereigns passed away. Anne excited more admiration for her private virtues than for her public character as a sovereign, yet her reign was more illustrious than that of many greater monarchs. She left no survivor, but she had had no fewer than seventeen children, all of whom expired in infancy, except William, Duke of Gloucester, who died in 1700 at the age of eleven. The many sorrows of this desolate queen invest her memory with a pathetic interest, while her admirable private character obtained for her the enviable title of "Good Queen Anne."

KING GEORGE I.

CHAPTER II.

GEORGE I. AND GEORGE II.

George I.

THE new King, George I., was proclaimed in his absence without opposition, though Atterbury is said to have urged Bolingbroke to proclaim James III. at Charing Cross. The leading supporters of the Pretender, however, saw that it would be absolutely futile to attempt to overthrow the Act of Settlement, and that the best thing to do was to endeavour to cultivate friendly relations with the new sovereign. George I. was the son of Ernest Augustus, Elector of Hanover, and of Sophia, granddaughter of James I. of England. He was born on May 28th, 1660, and married in 1682 his cousin, the Princess Dorothea of Zell, whom he divorced twelve years later. From 1698 he was Elector of Hanover. The first monarch of the House of Brunswick arrived at Greenwich on September 29th, 1714, and was crowned at Westminster on October 31st. Until the King's arrival, the government was carried on by the seven great officers of state and eighteen Lords Justices nominated by the sovereign. These were all Whig leaders, but Somers and Marlborough were omitted, the former because he was now a confirmed invalid, and the latter because he was distrusted by the Hanoverian party.

New Government.

Bolingbroke was dismissed, and a new Whig administration was formed, with Townshend, Stanhope, and Walpole as its chiefs. The two former were Secretaries of

CHAP. II. George I. and George II.

State, and Walpole was Paymaster of the Forces; while Cowper was Chancellor, Nottingham Lord President, Orford First Lord of the Admiralty, Marlborough Commander-in-chief, Pulteney Secretary-at-War, Devonshire Lord Steward, Shrewsbury Lord Chamberlain, and Sunderland Lord Lieutenant of Ireland. The King very early showed his partiality for the Whigs. The Privy Council of Queen Anne was dissolved, and a much less numerous body formed, from which all members of the late Ministry were excluded. Parliament continued the Civil List of £700,000 voted to Anne, and on January 31st, 1715, it was dissolved, having continued for six months after the late Queen's death.

Whig success at the elections.

The complexion which the new Parliament was to take was a momentous question, and the Crown threw its influence strenuously, and not always scrupulously, on the side of the Whigs. The King issued a proclamation referring to the evil designs of disaffected men: reviewing the unsatisfactory condition of public affairs, the interruption of commerce, and the grievous miscarriages of the late Government; and urging the electors to have a particular regard to such candidates "as showed a firmness to the Protestant succession when it was in danger." The Whigs were victorious, securing an immense majority, and from this election dated a long period of Whig ascendency.

Meeting of Parliament.

The new Parliament met on March 17th, 1715. The King's speech, read in his presence, promised the maintenance of the Constitution in Church and State, and called special attention to the fact that the Peace did not satisfy the just expectations of England; that it had by no means been carried into effect, and stood in need of further securities; and that the Pretender was issuing threatening declarations from Lorraine. The Address echoed the speech, but in stronger language. The recent Peace was condemned without qualification in both Houses.

The late Ministry impeached

The Government appointed a Parliamentary committee of twenty persons to examine papers in connection with the Peace negotiations, and to find charges against the

late Ministry. Shortly afterwards Walpole, as chairman of the committee, stated that a report was ready for the House, and moved for the committal of Mr. Matthew Prior and Mr. Thomas Harley. They were taken into custody, but eventually released. Greater men were next proceeded against. Walpole rose to impeach Lord Bolingbroke of high treason, and before the House could recover from its astonishment Lord Coningsby rose and said, "The worthy chairman of the committee has impeached the hand: I now impeach the head; he has impeached the scholar: I impeach the master; I impeach Robert, Earl of Oxford and Mortimer, of high treason and other crimes and misdemeanours." There were some Whigs, however, who deprecated this extreme step, among them being the eminent lawyer Sir Joseph Jekyll, a man of great probity. He pointed out an overstrained article that was charged against Oxford, and one that, as a lawyer, he felt bound to say, did not amount to treason. But the majority spurned moderate counsels, and the motion against Oxford was carried by 247 to 127. With regard to Bolingbroke, Jekyll had admitted that there was more than sufficient evidence against him under the statute of Edward III. The Whig managers proceeded to impeach Oxford and Bolingbroke at the bar of the House of Lords. A motion was made to consult the judges as to whether the articles amounted to treason, but it was lost by 84 to 52. Oxford stated that he had all along acted on the immediate orders of the late Queen, and that, having never offended against any known law, he was wholly unconcerned about the life of an insignificant old man. But the House committed him to the Tower. Ormonde and Bolingbroke, against whom proceedings were pushed forward, fled to the Continent, upon which the Earl Marshal of England was ordered to erase their names and arms from the peerage list, while all their possessions in England were declared forfeit to the Crown. Oxford's case was not finally decided till 1717, when, in consequence of the attitude of the Commons, the whole impeachment was abandoned. The

Bolingbroke.

Oxford.

Oxford's case dropped.

CHAP. II. George I. and George II.

Lords resolved that the charge of treason should be first determined before they would enter upon the articles of less importance. The Commons thereupon were so dissatisfied that they declined to go forward with the prosecution. "The resolution of the peers was hardly conformable to precedent, to analogy, or to the dignity of the House of Commons, nor will it perhaps be deemed binding on any future occasion; but the Ministers prudently suffered themselves to be beaten rather than aggravate the fever of the people by a prosecution so full of delicate and hazardous questions."[1] The resolution of the peers practically acquitting Oxford was carried by 88 to 56. The Government might have prevented this defeat but for their conviction that it would be impossible to substantiate the charges of treason against Oxford, which really amounted to no more than misdemeanour.[2]

Riot Act.

In consequence of serious apprehensions of a Jacobite rising, Parliament passed the Riot Act in the session of 1715. This measure, based on an ancient Act which had fallen into oblivion, ordained that if twelve or more persons unlawfully and riotously assembled against the peace and did not disperse within one hour of being ordered to do so by proclamation in the King's name by a justice of the peace, sheriff, under-sheriff, mayor, or other lawful authority, they were guilty of felony; and if any were killed in resisting those who were charged to

[1] Hallam's *Constitutional History*.

[2] During his imprisonment Harley wrote offering his services to the Pretender; but on his release he retired into the country. The leadership in Bishop Atterbury's plot was offered to him in 1721, but he declined it. Harley died in 1724. His fine collection of manuscripts is one of the national treasures in the British Museum. Bolingbroke entered the service of the Pretender, and was appointed his Secretary of State; but in 1716, being charged, unjustly, with the abortive Jacobite rising in the previous year, he was dismissed, and a rupture occurred between him and the extreme Jacobites. He remained in France, however, seven years longer, and married the Marquise de Villette, a niece of Madame de Maintenon.

disperse them, no one should be held guilty of their murder.[1]

Jacobite rising of 1715.

Although the loyalty of Parliament and the nation at large rendered the Pretender's cause apparently hopeless, a Jacobite rising was attempted in 1715. The Earl of Mar in Scotland and Forster and Derwentwater in England raised rebellions. Forster was defeated and taken prisoner at Preston, and Mar fought the indecisive battle of Sheriffmuir against Argyll. Early in 1716 James landed in Scotland, but soon withdrew with Mar. Many of the leading Jacobites were arrested, and twenty-two officers were executed at Preston and five at Tyburn. The Earls of Derwentwater, Nithisdale, and Carnwath, and Lords Kenmure, Nairne, and Widdrington, were sentenced to death, as were Forster, Mackintosh, and other prominent men. Nithisdale, Forster, and Mackintosh escaped from prison and reached the Continent, but Derwentwater and Kenmure were executed upon Tower Hill.

The Septennial Act.

The Jacobite rising having been quelled, the Whig leaders resolved on introducing the Septennial Act, prolonging the duration of Parliament for seven years. The Triennial Act of 1694 had not worked well in practice, but the real cause for the new measure was the excited state of public feeling, which made it unsafe for the Ministry to run the risk of a general election. Some even feared for the dynasty itself, but no doubt this was taking an exaggerated view. "The bill, though it related specially to the constitution of the Lower House,

[1] As this Act practically gave to the military power to fire on the mob or to charge them after due proclamation had been made, the question long afterwards arose as to the legality of military interference without the order of a magistrate. This point was decided in 1780 in a case arising out of the Gordon riots, when Lord Mansfield laid it down that it was the duty of every subject to resist persons engaged in treasonable or riotous conduct, and that this duty was equally imperative upon soldiers as upon civilians. This decision was confirmed in 1831 in a case which arose out of the Bristol riots.

CHAP. II. George I. and George II.

was first introduced in the House of Lords, and as it was passed without a dissolution, Parliament not only determined the natural duration of future legislatures, but also prolonged the tenure of the existing House of Commons for four years beyond the time for which it was elected."[1] When the measure was before the Lords, the Duke of Newcastle said the cause of the Jacobites had never been more unsuccessful; they had been beaten in the open field; they and their king had been driven out of Scotland; but the party was still as insolent as ever, and sought to keep men's minds in commotion; it thought at a new election to win back everything: therefore they must strengthen themselves and disarm their enemies. In the Commons Sir Richard Steele, answering the charge that the proposed change was a breach of trust, said that the trust which was placed in Parliament was for the welfare of the country. A restless faction was thinking of uniting with foreign foes, and, by means of a new election, of causing the prison doors to be thrown open and traitors to be placed at the head of English affairs. This expectation kept Jacobitism alive; by the proposed measure it would be cut off at the roots. The bill passed both Houses by large majorities. Two crucial divisions in the Commons gave for it 276 votes to 136 and 261 to 121; in the Lords it passed by 69 to 36. Thirty-one peers entered a formal protest against it. Apart from the advantages or disadvantages of a Septennial Act, the right of a sitting Parliament to lengthen its own existence could of course only be justified by the critical condition of the nation and the bad state of the representation, which made an appeal to the people a mockery. Although the Septennial Act has been again and again attacked for assigning to the duration of Parliaments too long a limit for popular freedom, it still remains the law. Latter-day usage has practically reduced the length of Parliaments to a maximum of six years, but efforts nevertheless have frequently been made

[1] *A History of England in the Eighteenth Century*, by William Edward Hartpole Lecky, vol. i.

for a reversion to triennial Parliaments. Annual Parliaments have also had their advocates. While Parliament may be dissolved by royal proclamation, its duration under ordinary circumstances cannot be interfered with by the sovereign. Before the Triennial Act there was no constitutional limit to the continuance of a Parliament but the will of the Crown; now, under the later Septennial Act, it ceases to exist after seven years from the day on which, by the writ of summons, it was appointed to meet. Before the Revolution of 1688, a Parliament was dissolved by the demise of the Crown; but by the acts 7 and 8 William III. and 6 Anne a Parliament was determined six months after the demise of the Crown; and so the law continued until, by the Reform Act of 1867, it was provided that the Parliament in being at any future demise of the Crown shall not be determined by such demise, but shall continue as long as it would have otherwise continued unless dissolved by the Crown.[1]

[1] The charge that the passing of the Septennial Act was a breach of trust by Parliament is unfounded. As Sir Erskine May (Lord Farnborough) observes in his *Constitutional History of England*, "Parliament has absolute power to make or repeal any law; and every one of its acts is again open to revision. Without a prior dissolution of Parliament, the unions of Scotland and Ireland were effected, at an interval of nearly a century, measures involving the extinction of the Parliaments of those countries, and a fundamental change in that of England much greater than the Septennial Act had made. That Act could have been repealed at any time, if Parliament had deemed it advisable; and no other ground than that of expediency can now be reasonably urged for shortening the duration of Parliaments." Hallam favoured septennial Parliaments, remarking that "it may well be doubted whether triennial elections would make much perceptible difference in the course of government, and whether that difference would on the whole be beneficial." Lecky thus refers to the Septennial Act: "Its beneficial effect in repressing disorder and immorality, in giving a new stability to English policy, a new strength to the dynasty, and a new authority to the House of Commons, can never be forgotten. It was accompanied, however, by no measure of Parliamentary reform, and it had the inevitable effect of greatly increasing corruption both at elections and in the House."

The King and the Act of Settlement.

Parliament abrogated one of the clauses of the Act of Settlement in 1716. The King finding it necessary to go to Germany, the Whig Ministers hesitated in giving their consent, as such a step was in contradiction to one of the articles in the Act of Settlement, but Parliament solved the difficulty by repealing the clause without opposition.

Ministerial changes.

A Ministerial crisis occurred at this time. Lord Townshend, having lost favour by opposing the King's Hanoverian schemes, was removed to the Lord-Lieutenancy of Ireland, and Stanhope became chief Minister. Early in 1717 a triple alliance was formed between England, France, and Holland to guarantee the Hanoverian succession. Walpole, Townshend, and Pulteney were obliged to resign their offices for opposing Stanhope; and Stanhope now became First Lord of the Treasury and Chancellor of the Exchequer, with Sunderland and Addison as Secretaries of State. In the following year, however (1718), Sunderland was appointed First Lord of the Treasury. Stanhope was Secretary of State, and Aislabie Chancellor of the Exchequer.

Act of Grace.

A comprehensive Act of Grace was passed in the session of 1717, and many political prisoners were released.

Bishop Hoadly and Convocation.

Divisions in Convocation passed into an acute stage in 1717, Benjamin Hoadly, the able Low Church Bishop of Bangor, being the precipitating cause. Hoadly was a staunch upholder of the duty of resistance, and he had been one of the most prominent opponents of Sacheverell. He was appointed Bishop of Bangor in 1715, and in the ensuing year published his famous tract against the non-jurors. This was followed in 1717 by the issue of his sermon on the kingdom of Christ, printed by royal command. These works were devoted to questioning the Divine authority of the sovereign and the clergy, and were the occasion of the "Bangorian Controversy." The matter was taken up by Convocation, and it led to violent disputes. As it was clear that Hoadly would be

censured, although he was favoured both by the King and his Ministers, Convocation was suddenly prorogued by the Government. It was not again summoned for business until the year 1852 for the province of Canterbury and 1856 for that of York.

Schism Act repealed.

The infamous Schism Act was repealed in 1718, and it is not to Walpole's credit that he opposed this act of justice, as he did other measures, for the sake of embarrassing the Ministry. The Occasional Conformity Act was also expunged from the statute book.

The Quadruple Alliance.

In August, 1718, was formed the Quadruple Alliance, a name given to the extension of the Triple Alliance of the preceding year by which the adherence of Austria was secured to its principles. A treaty was drawn up by the allied Powers with the main object of maintaining the European settlement effected by the Treaty of Utrecht.

Services of the peers.

The great topic of the session of 1719 was the Peerage Bill. Before describing this measure it may be desirable to point out the services which the peers—in the midst of much disservice—had rendered to the nation. They had won the Great Charter for the people, and on many occasions shown their liberality as a body. Then the influence of the aristocracy in raising public labour to honour was by no means slight. At many serious crises in our constitutional history they had averted unscrupulous legislation. They had assisted in making government popular, in sustaining patriotic feelings, and in bringing young men of promise into politics. They had on many important occasions acted with moderation, and they had undoubtedly played a conspicuous part in securing the benefits of the Revolution. No doubt the evils of a hereditary caste are also great. The desire to found a family leads to the accumulation of wealth and landed estate, and a privileged class must always be a burden upon an industrious nation that is restricted in its natural resources, while luxury and monopoly at one end of the social scale inevitably lead to impoverishment at the other. But in condemning the abuses of a class

Evils of the peerage.

CHAP. II. George I. and George II.

which many think might be swept out of existence without detriment to the public advantage, it would be unjust to ignore its historic services.

Stanhope's Peerage Bill.

The Peerage Bill of Stanhope and Sunderland has not inaccurately been described as "the most dangerous constitutional innovation since the Revolution." It was intended by its framers to prevent the son of George I., who was in antagonism to his father, from overthrowing, if he came to the throne, the Whig majority in the Upper House by the creation of Tory peers. "Had it been carried, it would have made the House of Lords an almost unchangeable body, entirely beyond the control of King or Minister or Commons. It provided that, with the exception of members of the royal family, the sovereign should at no time be allowed to add more than six to the number of the English hereditary peers existing when the bill was passed, though, whenever a peerage became extinct, he might make a creation to replace it; and also that twenty-five Scotch peers, selected in the first instance by the sovereign and afterwards sitting by hereditary right, should be substituted for the sixteen elective peers. It is obvious that such a measure would have given the peerage all the characteristics of a close corporation, would have prevented that influx into its ranks of legal, political, and commercial talent which now constitutes one of its most distinctive merits, would have in consequence destroyed its value as a reward of genius and its weight as a representative body, and would have abolished the only means which the Constitution provides for overcoming in extreme cases the opposition of the Lords."[1] Such a measure could only have fed the ambition and haughtiness of the aristocracy. The very exclusiveness it set up by the limitation of the numbers of the peerage might have resulted in "pretensions very galling to the people, and in an oppressive extension of privileges which were already sufficiently obnoxious and arbitrary."[2]

[1] Lecky's *History of England.*

[2] Hallam's *Constitutional History.*

The bill, which by an ironical coincidence was the work of the party which has always been associated with popular progress, easily passed the Lords, the King having readily relinquished his prerogative of unlimited creation. Sunderland, as inducements to the Commons to acquiesce, promised that the Lords would part with *scandalum magnatum*[1]; that the Commons should be permitted to administer an oath; and that the King would give up the prerogative of pardoning after an impeachment. If these bribes had been much larger they would not have succeeded, for a great wave of indignation soon engulfed the Ministerial project. Steele trenchantly exposed the dangers of the scheme, and both wrote and spoke with great power against the bill. The country gentry and all who coveted or hoped to merit the honours of the peerage were roused, and the bill was rejected in the Commons by 269 to 177.

Its rejection.

A statute was passed this session to enable the English Parliament to legislate for Ireland. It remained in force until 1782, the year of Irish legislative independence.

Ireland.

Sunderland and Stanhope concluded peace with Spain in 1720, but this year proved one of evil omen for England socially. The nation was convulsed to its centre by the collapse of the South Sea scheme. As we have already seen, the South Sea Company was formed in 1711. In 1717 Walpole persuaded the South Sea creditors to make a further advance of £5,000,000 to the Government. Desirous of still further Government credit, in 1720 the South Sea Company agreed to take up £32,000,000 of the Government annuities, and to persuade the holders to take in exchange South Sea stock. The Government annuities had borne 7 or 8 per cent. interest; the company was to receive 5 per cent. till 1727, and 4 per cent. afterwards. In order to outbid the offers of the Bank of England and other associations, the South Sea Company agreed to pay to Government a

The South Sea Bubble.

[1] *Scandalum magnatum* was the use of language tending to bring into contempt a peer or great officer of the realm. As far back as 1275 it had been created a special offence, with special punishments.

CHAP. II. George I. and George II.

premium of upwards of £7,000,000. This heavy burden was bound to crush the scheme, if the public failed to subscribe largely. But everybody rushed to subscribe, and the price of the stock went up by leaps and bounds. Peers, clergymen, Dissenting ministers, poor widows, and indeed all classes of the community caught the mania. The universal gambling spirit then led to the formation of companies of all kinds, many of them being fraudulent or visionary to the last degree. To protect itself, the South Sea Company took action against some of the bubble companies, and exposed them. The effect was electrical; a panic set in, shares fell rapidly, and in the month of September, 1720, the South Sea Company's own stock fell from £1,000 to £175. The ruin which ensued was unparalleled in the history of financial enterprises.

Public inquiry.

Popular indignation was now vented upon the South Sea directors, who, however blamable in some respects, were not responsible for the spirit of reckless speculation which had seized upon all classes. The odium fell chiefly upon Sunderland, the Prime Minister, and John Aislabie, the Chancellor of the Exchequer, who had accepted the proposals of the South Sea Company. The House of Commons appointed a committee of inquiry, which elicited the fact that an extensive system of bribes had prevailed, and that large sums of fictitious capital had been invented and distributed among leading members of the Government. Aislabie's case was so flagrant that no one rose to defend him, and he was expelled the House and committed to the Tower. Charles Stanhope and Secretary Craggs and his son were also implicated. Stanhope was acquitted by three votes; the younger Craggs died before the inquiry was over, and the elder committed suicide. The younger Craggs combined great business talents with a love of letters, and he has been immortalised by Pope.

Aislabie expelled.

Resignation of Sunderland.

Sunderland was accused of having received £50,000 stock as a present, but he was probably guiltless, and it is said that he actually lost heavily by the transactions

of the company. The Lords declared him innocent, but his unpopularity was now so great that he was forced to resign. It is believed that in the closing months of his life Sunderland intrigued with the Pretender. This zealous Whig statesman died in April, 1722. He was an ardent admirer of Lord Somers, but lacked the prudence and equable temper of that distinguished leader.

Death of Stanhope.

The South Sea bubble proved fatal to Lord Stanhope, the Secretary of State. He had no share in the speculation, and even proposed that Ministers who had received bribes from the company should be accounted guilty of "notorious and dangerous corruption." But during the examination of the directors the Duke of Wharton made a furious attack upon the Administration, especially singling out Stanhope ; and when the Secretary rose to reply, his passion brought a rush of blood to the head, which next day proved fatal. Stanhope was a remarkably able and versatile man, being at once a warrior, a politician, a scholar, and an effective speaker.

Walpole's financial scheme.

Walpole, who, with Townshend, had rejoined the Ministry during the progress of these disastrous events, now stepped in, and by his great financial ability restored the public credit. "In the midst of the panic and exasperation both of Parliament and of the nation, he acted with great coolness, courage, and good sense. He moderated the proceedings that were taken against the guilty directors, and he gradually restored public credit by measures which met with some opposition at the time, and which many years after became the objects of virulent attacks, but which had undoubtedly the effect of calming public opinion and greatly mitigating the inevitable suffering."[1] At first he favoured a scheme suggested by Jacombe, Under-Secretary for War, by which the stock was to be divided between the South Sea Company, the Bank, and the East India Company ; but this plan was abandoned. The policy finally adopted by Walpole, and that which was embodied in a retro-

[1] Lecky's *History of England.*

spective act, provided that the whole sum of rather more than £7,000,000 which the company had engaged to pay the public was to be ultimately remitted; that the confiscated estates of the directors were to be employed in the partial discharge of the encumbrances of the company; and that a division of stock was to be made among all the proprietors, producing a dividend of £33 6*s.* 8*d.* per cent.

Walpole becomes Premier.

Walpole had now no rivals, and his ascendency was complete. In March, 1721, he became Prime Minister and Chancellor of the Exchequer, the other important members of his Government being—Lords Townshend and Carteret, Secretaries of State; the Earl of Macclesfield, Lord Chancellor; Lord Carleton, Lord President; the Duke of Kingston, Privy Seal; the Earl of Berkeley, First Lord of the Admiralty; the Duke of Marlborough, Master of the Ordnance; Byng (afterwards Lord Torrington), Treasurer of the Navy; the Duke of Argyll, Lord Steward; the Duke of Newcastle, Lord Chamberlain; and Pulteney, Cofferer of the Household. Walpole could tolerate no opposition, and having a difference with Carteret in 1724, that statesman was sent to Ireland as Lord Lieutenant. Newcastle then became Secretary of State, and Henry Pelham Secretary-at-War.

The Jacobites.

The Jacobites seized the opportunity afforded by the suffering and confusion prevalent in the country, and in 1722 endeavoured once more to push the interests of the Pretender. But dissensions arose among the conspirators, and the plot was so badly managed that the Ministry received intelligence of what was on foot, and suddenly arrested the Duke of Norfolk, the Earl of Orrery, Lords North and Grey, Bishop Atterbury, Mr. Layer, and several other persons. Upon investigation, sufficient legal evidence could only be found against the Bishop and Mr. Layer, although there was no moral doubt of the guilt of the others. Mr. Layer was hanged at Tyburn, and a Bill of Pains and Penalties was brought forward in the House of Lords against the Bishop of Rochester, the

evidence being insufficient for a conviction by process at law. Atterbury was deprived of his see and banished the kingdom for life. Going over to Paris, he became the chief adviser of the Pretender.[1] Walpole placed a tax of £100,000 on the non-jurors.

Committal for libel.

During the Jacobite agitation, an incident occurred which showed that the House of Commons could occasionally transgress its own customary limits of privilege. A newspaper called *Mist's Journal*, a rabid Jacobite organ, having given vent to its strong desire for the Pretender's restoration, the matter was brought before the House. Accordingly, on May 28th, 1721, it was resolved "that the said paper is a false, malicious, scandalous, infamous, and traitorous libel, tending to alienate the affections of his Majesty's subjects, and to excite the people to sedition and rebellion, with an intention to subvert the present happy establishment and to introduce Popery and arbitrary power." The proprietor of the *Journal* was committed to Newgate, and an address was voted to the King praying that the authors and publishers of the libel should be prosecuted. No actual violation of privilege was cited, but the House evidently conceived itself to be invested with a general jurisdiction over political offenders. The case of *Mist's Journal* is referred to as the last in which any person has been committed on a charge that could not possibly be interpreted as a contempt of Parliament or a breach of its privilege.

Bolingbroke.

Bolingbroke was allowed to return to England in 1723, and an act of Parliament was passed permitting him to

[1] The method of procedure adopted against Atterbury "met with strong opposition, not limited to the enemies of the royal family; and it is open to the same objection as the attainder of Sir John Fenwick: the danger of setting aside those precious securities against a wicked government which the law of treason has furnished. As a vigorous assertion of the State's authority over the Church, we may commend the policy of Atterbury's deprivation; but perhaps this was ill purchased by a mischievous precedent. It is, however, the last act of a violent nature in any important matter which can be charged against the English legislature."—Hallam's *Constitutional History*.

CHAP. II. George I. and George II.

enjoy his property; but he was still excluded from the House of Lords. He made overtures to Walpole, but these were rejected, and from this time forward Bolingbroke carried on a series of relentless hostilities against Walpole by means of intrigue and political journalism. Through the *Craftsman* especially, a journal of large circulation, he inflicted many damaging blows upon the Ministry. But Bolingbroke withdrew to France in 1734, and remained there until the fall of Walpole. He looked for a share of power when his friends came into office, but being disappointed, he withdrew altogether from politics, and went into philosophical retirement at Battersea. This brilliant but unfortunate man died in 1751.

The Quakers.

With regard to the religious legislation of the Government, they gave some relief to the Quakers in 1721. A temporary act, which had made their solemn affirmation equivalent (in all civil cases) to an oath, had been made perpetual in 1715; and the act had been extended to Scotland, as well as to the colonies for a limited period. But an opinion having gained ground among the Quakers that to affirm "in the presence of Almighty God" was not less sinful than to swear, a bill was introduced by the Government in the session of 1721 providing a new form of affirmation, from which the words objected to were omitted. The bill was opposed by the two archbishops, but it passed by a large majority.

The Protection of London.

The city of London suffered severely from lawlessness during the sixteenth and seventeenth centuries. Whitefriars and the Savoy had for centuries enjoyed the privilege of sheltering debtors from their creditors, and this privilege had been abused to give shelter to the worst characters in the community, who defied the officers of justice, and sometimes created a reign of terror. In 1697 a law was passed depriving the districts named of their franchises; but similar privileges continued to be claimed for the Mint in Southwark. Criminals of all kinds fled thither, and matters became so serious that in 1723 an act was passed making it felony to obstruct the execution of a writ and enabling the Sheriff of Surrey

to raise a *posse comitatus* for taking by force debtors from the Mint. This legislation finally put an end to what had long been a dangerous and disgraceful right of sanctuary.

Riots in Scotland.

Difficulties arose in Scotland in 1724 in connection with the fiscal legislation of Walpole. The malt tax was changed into a tax of threepence on each barrel of ale, then the national drink of Scotland. Riots broke out in Glasgow and other places. The brewers generally throughout Scotland resisted the tax, but in the end were obliged to give way.

Bishop Berkeley and Bermuda.

A legislative act of peculiar interest, and one due to the exertions of a single individual, may be cited here. In 1725 the learned and philanthropic Bishop Berkeley conceived a scheme for a Christian university in Bermuda, for the civilisation and conversion of America, whose future greatness he already foresaw. In 1726 he brought in a bill for endowing the university, and so great was his success in canvassing the members of Parliament that the measure was carried with only two dissenting voices. Walpole promised £20,000 towards the scheme, but never advanced the money, and in 1731 Berkeley was compelled to abandon the enterprise.

Impeachment of the Chancellor.

Considerable sensation was caused in 1725 by a charge brought against the Lord Chancellor, the Earl of Macclesfield, who was accused of having sold certain places in chancery. The House of Commons impeached him at the bar of the House of Lords, and an interesting trial ensued, which lasted over twenty days. The Earl was convicted, and sentenced to be imprisoned until he should pay a fine of £30,000. Though the fine undoubtedly seemed heavy, no small portion of it was the produce of the offence for which it was imposed, and the whole amount was paid in less than two months. As the necessity of demanding judgment in cases of impeachment gives to the Commons the power of pardoning the accused,[1] an attempt was made by the friends of the

[1] See the *Treatise on the Law, Privileges, Proceedings, and Usage of Parliament*, by Sir Thomas Erskine May (Lord Farnborough).

Earl to save him from the consequences of the judgment, but this deservedly failed. Macclesfield was succeeded as Chancellor by Peter, Lord King.

Foreign affairs.

Foreign affairs caused renewed anxiety in 1725, and as Austria and Spain had concluded a treaty at Vienna against England, a counter-treaty was made at Hanover between England, France, and Prussia, with the result that hostilities were begun and continued during the next two years. Austria, however, eventually withdrew from her anomalous position, and preliminaries of peace were signed at Paris in May, 1727.

Death of the King.

At this juncture, and while Walpole at home was meeting almost single-handed the attacks of the Opposition, George I. suddenly died. He was on his way back to England from Hanover when he expired at Osnabruck, on June 9th, 1727, in the sixty-eighth year of his age and the thirteenth of his reign. The first of the Georges was not an imposing monarch in any sense. Lady Mary Wortley Montagu styled him "an honest blockhead," and unquestionably if he had been an abler man he might have proved a worse sovereign. He was a moderate ruler in England, whatever he may have been in Hanover, and he wisely refrained from straining our constitution as many of his predecessors had done.

Accession of George II.

George II., who now succeeded his father, was born in 1683, and married in 1705 Princess Caroline of Anspach, who bore him four daughters and two sons; the latter were Frederick, Prince of Wales, born in 1707, and William, Duke of Cumberland, born in 1721.

Walpole retains office.

The new monarch named Sir Spencer Compton, second surviving son of the Earl of Northampton, as Prime Minister, but he was unable to withstand the influence of Walpole. The latter not only impressed his views of foreign policy upon the King, but secured the influence of the Queen, promising to obtain from Parliament a jointure for her Majesty of £100,000 a year, while Compton only ventured to propose £60,000. It is only just, however to say that Queen Caroline highly esteemed Walpole for his great abilities. Walpole was consequently continued

in office as Prime Minister; but he was compelled to rely upon a servile majority, many of whom were bought, while the Whig malcontents whom his love of power had offended strongly opposed him. Compton was "gratified with the title of Wilmington and the Presidency of the Council; and it might be said of him, as afterwards of Pulteney, that he shrank at once into insignificance and an earldom."[1] Parliament increased the Civil List of £700,000 granted to George I. by about £130,000, and likewise passed the first Annual Bill of Indemnity for not observing the Test and Corporation Acts.

Speaker Onslow.

The new Parliament, which displayed a great Ministerial majority, opened in January, 1728. Mr. Arthur Onslow—whose family had already supplied two first Commoners—was unanimously chosen Speaker. He was "endowed with high personal qualifications for that office. During three-and-thirty years did this accomplished man continue to preside over the House of Commons, with thorough knowledge of forms and perfect impartiality of judgment; and even after his retirement he still contributed to the public service by his ready advice and guidance to younger politicians."[2]

Docility of Parliament.

The docility of the Parliament was remarkable. When Horace Walpole[3] made the unworthy and humiliating proposal that the sum of £230,000 should be granted during this year for maintaining twelve thousand Hessians in the British pay, the Opposition could only muster 84 votes against it, while 280 members voted in the majority. Another objectionable agreement was that by which the Duke of Brunswick received a subsidy of £25,000 per annum for four years. Walpole and Pulteney had a pitched battle over the public burdens. The latter maintained that, in spite of the Sinking Fund, these burdens had increased instead of diminishing since 1716. Walpole

[1] Lord Mahon's *History of England from the Peace of Utrecht to the Peace of Versailles* (1713—1783).

[2] Mahon's *History of England.*

[3] Brother of Sir Robert and afterwards Lord Walpole.

CHAP. II. George I. and George II.

controverted the statement with his usual skilfulness, and his arguments and figures were endorsed by a large majority. The Opposition were equally unsuccessful in their efforts to obtain an explanation of the large sum of £250,000 charged for Secret Service.

Reporting the Debates.

Parliamentary reporting became a burning question at this period, and it has been continuously revived in some shape or other at irregular intervals down to the present time. In order to meet the popular demand for Parliamentary information, during the closing years of Queen Anne short summaries of debates, compiled from recollection, began to appear in Boyer's *Political State of Great Britain*, and in the following reign in the *Historical Register*. At length Edward Cave, the enterprising publisher, perceiving the popularity likely to be gained by such reports, made strenuous efforts to procure them. In 1728 he was summoned to the bar of the House of Commons, confined for several days, and obliged to apologise for having furnished his friend Robert Raikes with minutes of the proceedings for publication in the *Gloucester Journal*. The surreptitious reports, however, were so popular that in 1729 Raikes incurred the censure of the House for the same offence. Upon this occasion the House passed a unanimous resolution, "That it is an indignity to, and a breach of the privilege of, this House for any person to presume to give in written or printed newspapers any account or minutes of the debates or other proceedings of this House, or of any committee thereof"; and "that upon discovery of the authors, printers, or publishers, this House will proceed against the offenders with the utmost severity." Cave started the *Gentleman's Magazine* in 1731, and it was speedily followed by the *London Magazine*. In 1736 Parliamentary reports became a prominent feature of Cave's periodical. Obtaining admission to the gallery of the House of Commons, he and one or two friends would secretly take down the names of the speakers and the drift of their arguments, and then repair to some coffee-house, where the reports were elaborated. A writer

named Guthrie was the first person to construct these reports. He was succeeded by Dr. Johnson, who acted from November, 1740, to February, 1743, and after the famous lexicographer came Dr. Hawkesworth, the biographer of Swift, and editor of the *Travels*. A Presbyterian minister named Gordon executed similar work for the *London Magazine*. The reports only appeared during the recess, to avoid the action of the House, and the first and final letters only of the names of the speakers were given.

Debates and proceedings.

In April, 1738, Speaker Onslow brought the subject before the House of Commons, and an important debate ensued. The Tory leader, Sir William Wyndham, was the only speaker who took the proper and constitutional view of the matter. While condemning the reports for their frequent inaccuracy, he thought the public had "a right to know somewhat more of the proceedings of the House than what appears from the votes"; and if he could be sure that the sentiments of gentlemen would not be misrepresented, he would be "against coming to any resolution that would deprive them of a knowledge that is so necessary for their being able to judge of the merits of their representatives." But other speakers severely denounced the reports. "If we do not put a speedy stop to this practice," said Winnington, "you will have the speeches of this House every day printed, even during your session, and we shall be looked upon as the most contemptible assembly on the face of the earth." Pulteney remarked that it was absolutely necessary to stop the reports; and Walpole, after strongly condemning their misrepresentations and their one-sidedness, said, "You have punished some persons for forging the names of gentlemen on the backs of letters; but this is a forgery of a worse kind, for it misrepresents the sense of Parliament, and imposes on the understanding of the whole nation." In the end a unanimous resolution was arrived at "That it is a high indignity to, and a notorious breach of the privileges of, this House to print the debates or other proceedings of the House, as well during the

recess as the sitting of Parliament, and that this House will proceed with the utmost severity against such offenders." Yet the practice went on, the reports taking such forms as *Debates in the Senate of Great Lilliput*, *Debates of the Political Club*, etc. In 1747 the editors of the *Gentleman's Magazine* and the *London Magazine* were summoned before the House of Lords for having published an account of Lord Lovat's trial, and they only escaped imprisonment by an abject apology. Cave returned to the plan of giving the initials of the speakers in 1752, and he does not seem to have been molested after this time. But the struggle was by no means over, and as late as 1801 several prosecutions were instituted for publishing unauthorised reports of debates. The House of Commons itself did not begin the publication of its own division lists until 1836, and the House of Lords did not imitate its example until 1857. Orders prohibiting the publication of debates are still retained upon the journals of the House of Commons ; but so long as debates are correctly and faithfully reported the privilege which prohibits their publication is waived. It is a curious anomaly that these orders should be retained, when provision for reporters has long been made by the House.[1]

Treaty of Seville.

The difficulties with Spain were adjusted in 1729 by the conclusion of the celebrated Treaty of Seville on November 9th. Gibraltar was the crucial point, and the Ministry had been willing to cede this for a proper equivalent. But the nation was strongly against the

[1] *Parliamentary History*, Lecky's *History of England*, Mahon's *History*, and Lord Farnborough's *Constitutional History* and *Parliamentary Practice*. The secrecy of debate was originally insisted upon by the Commons as a protection from the King, but it developed later a desire on the part of members to shelter themselves from their constituents. Systematic reporting began in 1641, under the Long Parliament, when reports appeared under the title of *Diurnal Occurrences of Parliament*, which were continued until the Restoration. But so stringently did the Commons forbid unlicensed reporting that Sir E. Dering was expelled from the House and imprisoned in the Tower for printing a collection of his own speeches, while the work was ordered to be burnt by the

cession, and great excitement was caused by the publication of a letter written by George I. indicating a willingness to give up the fortress. Debates frequently occurred in Parliament on the subject. The Treaty of Seville, which was concluded by William Stanhope with the aid of the French, was a defensive alliance between England, Spain, and France, and subsequently Holland. It gave great umbrage to the Emperor, for Spain revoked all the privileges granted to Austrian subjects by the treaties of Vienna. She also re-established English trade in America on its former footing, and restored all captures. The Assiento was confirmed to the South Sea Company, and arrangements were made for securing the succession of Parma and Tuscany to the infant Don Carlos. As no provision was made respecting Gibraltar, Spain was regarded as having renounced her claims. The treaty was a great triumph of French diplomacy, as it closed the breach between France and Spain, and detached both England and Spain from the Emperor. In March, 1731, the Emperor, finding himself thus deserted, concluded the second Treaty of Vienna with England, Holland, and Spain. It practically confirmed the Treaty of Seville, and England guaranteed the Pragmatic Sanction, by which Maria Theresa was to succeed to the hereditary dominions of her father, Charles VI. For his services in connection with the Treaty of Seville and other matters, Stanhope was created Lord Harrington, and soon afterwards appointed Secretary of State.

---

hangman. From the Restoration to the Revolution few records of Parliamentary debates were preserved. Andrew Marvell sent regular reports to his constituents from 1660 to 1678. At the instance of Shaftesbury, Locke wrote a report of a debate in the House of Lords in 1675, which was published under the title of *A Letter from a Person of Quality to his Friend*, but the Privy Council ordered it to be burnt by the hangman. Shaftesbury himself wrote some reports, and Anchitell Grey, member for Derby, took notes of debates for many years. These were published in 1769, and they form a valuable source of information for the period immediately following the Revolution.

CHAP. II. George I. and George II.

Retirement of Townshend.

Quarrels between the two Ministers Walpole and Townshend had been very frequent. The former could brook no rival near his throne, and declared that the Ministerial firm "should be Walpole and Townshend, not Townshend and Walpole." The Pension Bill, which sought to disable all persons from sitting in Parliament who had any pension, was supported by the whole strength of the Opposition. Walpole would not venture on active opposition to it, and suffered it to pass the House of Commons, leaving to his colleague the odium of its rejection in the Lords. At the house of Colonel Selwyn the two Ministers came to personal violence, and it was with difficulty a duel was prevented. Seeing that he could not struggle against the power of Walpole, Townshend resigned in May, 1730. "He left office with a most unblemished character, and, what is still less common, a most patriotic moderation."[1] Instead of embarrassing his rival by going into opposition, he retired altogether from public life. He was succeeded as Secretary of State by Harrington, the other Secretary being the Duke of Newcastle. Unlike Townshend, Carteret, who had been six years in Ireland as Lord Lieutenant, formally joined the Opposition after his return to London in 1730, and became one of Walpole's most formidable antagonists.

Carteret.

English in the Law Courts.

Among the excellent home measures passed in 1731 was an act declaring that in future all proceedings in the courts of justice should be conducted in the English, instead of in the Latin tongue.

A Member expelled.

Serious malversations were detected at this time in the Charitable Corporation which had been formed for the relief of the industrious poor by assisting them with small sums of money at legal interest, but which, under this colour, sometimes received 10 per cent., and advanced large sums on goods bought on credit by fraudulent speculators. Several persons were criminally prosecuted, and Sir Robert Sutton, the late ambassador in Paris,

[1] Lord Mahon's *History of England.*

having been implicated in these practices, was expelled from the House of Commons.

England was further moved to its depths by the horrible revelations made in connection with prison life. In 1728 the discovery of fiendish cruelties perpetrated in the Fleet led to the appointment of a Parliamentary commission. The prime mover in this humanitarian inquisition into the management of the prisons was that noble and disinterested philanthropist General Oglethorpe, member for Haslemere.[1] The report of the committee revealed a shocking state of things. The Warden of the Fleet and his agents were put upon their trial for murder, but were acquitted. An act was passed in 1729 to remedy the most flagrant of the evils ; but unfortunately it had little practical effect.

Prison horrors.

General Oglethorpe, in pursuance of his ideas for prison reform, conceived the idea of founding a colony in which poor debtors on attaining their freedom might find a refuge. A charter was obtained in 1732, and the proceeds of a sale of land which Parliament had voted for the Bermuda enterprise were, with the consent of Berkeley, appropriated to the new enterprise. The colony of Georgia was founded in 1733, with Oglethorpe as its governor. This benevolent man had inserted in the charter a memorable clause absolutely prohibiting the introduction of slaves. Georgia soon became an asylum for many European Protestants, and was especially a centre of the Moravian sect. At a later date Oglethorpe championed the cause of the Moravians in England, and in 1749 carried a bill through Parliament exempting them from the necessity of violating their religious sentiments by taking oaths or bearing arms.

Colony of Georgia founded.

The year 1733 witnessed the introduction of two of Walpole's most important financial schemes. The first was the proposal to take £500,000 from the Sinking

The Sinking Fund.

[1] Oglethorpe was one of the first to recognise the genius of Dr. Johnson. He lived to a great age, and in his closing years was he friend of Goldsmith, Johnson, and Burke.

CHAP. II. George I. and George II.

Fund for the service of the current year. From its establishment in 1717, the Sinking Fund had not been interfered with until 1727, when various encroachments were made upon it. Now Walpole proposed to make a more serious inroad. Sir John Barnard, member for London, and a high financial authority, urged that the fund ought never to be applied to any other purpose than that of discharging debts, except in the case of some extreme emergency; and "the author of this new expedient," he declared, "must expect the curses of posterity." Pulteney, alluding to Walpole's claim to be the author of the Sinking Fund, said, "If Solomon's judgment was right, he who is thus for splitting and dividing the child can never be deemed to be the real father." Walpole in reply simply threatened the country gentlemen with a land-tax of two shillings in the pound if his proposal were not accepted, and the scheme was carried by a majority of 110. The bad precedent thus adopted was as the letting out of water; in the ensuing year the whole produce of the fund, £1,200,000, was taken, and in 1735-36 the fund was mortgaged and alienated. "Our debts were always augmented in moments of difficulty, never diminished in a period of peace, until the Sinking Fund was restored in a different era and on a new foundation by the genius and integrity of Pitt." [1]

Walpole's Excise scheme.

Walpole's second great financial measure was his excise scheme. Being desirous of conciliating the country gentlemen by diminishing the land-tax to one shilling, to accomplish that object he had imposed a duty on salt. But as the new tax was found to fall short by two-thirds of the required amount, he proposed the substitution of excise duties for customs duties on wine and tobacco. Instead of a customs duty levied at the port, a tax would be levied at the manufactory on the quantity made, and a licence would be required for the sale of the articles, while the manufactories and shops

[1] Lord Mahon's *History of England* and Sinclair's *History of the Revenue.*

would be liable to inspection. Before the scheme was introduced, Pulteney and others attacked it, and greatly inflamed the public mind by hinting that there was to be a general scheme of excise. The excise duties were already hateful to the community, and violent demonstrations were made against the Minister's proposals. Walpole, in a masterly speech occupying two hours and a quarter, unfolded his scheme before the House of Commons on March 14th. As an illustration of the frauds practised upon the revenue, he stated that while the gross produce of the tobacco tax was, on an average, £750,000, the net produce was only £160,000. He considered that a system of warehousing for re-exportation would tend to make London a free port, and by consequence the market of the world. By the increase in the revenue the land-tax would no longer be required, and might be altogether abolished. "And this," exclaimed Walpole, "is the scheme which has been represented in so dreadful and terrible a light,—this the monster, the many-headed monster, which was to devour the people and commit such ravages over the whole nation!"

Its great unpopularity.

But Wyndham, Barnard, and Pulteney fiercely assailed the scheme. Wyndham dragged in the shades of Empson and Dudley—unworthy favourites who "had the misfortune to outlive their master, but whose son, as soon as he came to the throne, took off both their heads!" Frederick, Prince of Wales, a strong opponent of Walpole, was listening to the debate under the gallery. Walpole was ably supported by Sir Philip Yorke, the Attorney-General, and Sir Joseph Jekyll, Master of the Rolls, and he carried his resolutions by 266 to 205, but the minority was alarmingly great. The Minister incurred much unpopularity by describing the multitudes who demonstrated against the scheme at the doors of the House of Commons as "sturdy beggars." Some of these "sturdy beggars" were inclined to offer him violence as he left the House. During the subsequent debates on the scheme, the Government majority dwindled from 60 to

CHAP. II. George I. and George II.

16, while in the country the popular ferment was greater than ever, and petitions poured in upon Parliament. At a meeting of his supporters in the House of Commons, Walpole declared that he would never be the Minister to enforce taxes at the expense of blood. He therefore abandoned the measure, and was burnt in effigy for having introduced it.[1] The Minister was so incensed by the opposition of some of his colleagues that Lord Chesterfield was dismissed from his post of Lord Steward of the Household, while, by an unjustifiable stretch of the prerogative, the Duke of Bolton and Lord Cobham were removed from the command of their regiments in the army. In the session of 1734, the last of the Parliament, unsuccessful efforts were made in both Houses to carry a motion preventing in future all officers not above the rank of colonels from being removed unless by a court-martial or by address of either House of Parliament.

Walpole and Bolingbroke.

A spirited attack was made upon the Septennial Act, and its repeal was supported by the large minority of 184 to 247 votes. During the debate, Walpole made a scathing onslaught upon Bolingbroke, whom he denounced as the real head of the faction leagued against him ; and he then assailed Pulteney and Wyndham as the creatures of the anti-Minister who betrayed every master he had ever served.

New Parliament.

The elections of 1734 were hotly contested, and it is said that Walpole himself spent no less than £60,000 of his private fortune upon them. Neither party had the success it anticipated at the polls. Walpole secured a majority, it is true, but it was considerably smaller than that obtained at the previous election. In Parliament, however, Walpole maintained his ascendency undiminished, and in the session of 1735 the Opposition lost heart after a few preliminary skirmishes. The session was remarkable for the paucity of its legislative measures.

[1] Some of the ablest financial authorities of later times, including Adam Smith, approved the main principles and objects of Walpole's scheme.

The Dissenters had long looked to Walpole for the repeal of the Test Act. They had supported him at the polls, and interviewed him in deputations. At length one of their distinguished representatives brought matters to a head by plainly asking the Prime Minister when their time of relief was to come. "If you require a specific answer," said Walpole, "I will give it you in one word—Never!" Thereupon the Dissenters turned to the Opposition, and in the session of 1736 induced Mr. Plumer to bring forward a motion for the repeal of the obnoxious statute. Now Walpole desired neither to offend the Dissenters nor the Church, but after some temporising he was compelled to vote against the former, and the bill was lost by 251 to 123 votes. Walpole's feeling in this matter was that the contest was hopeless at the time, and that it was worse than useless for him to engage in it. By way of showing that he was for some measures of religious relief, however, he supported a bill for the relief of Quakers in the recovery of tithes. The measure passed the Commons, but was rejected by the Lords, chiefly in consequence of the exertions of Gibson, Bishop of London, Walpole's favourite prelate. The Premier was greatly annoyed, and Gibson not only lost his confidence, but the reversion to the archbishopric of Canterbury, for which he had long been popularly designated.

The Premier and the Dissenters.

Parliament passed, without much discussion, a Mortmain Act, which specified the conditions under which alone lands, etc., could be devised for charitable purposes. Oxford and Cambridge, Eton, Winchester, and Westminster, were excepted from the operation of this act.

Mortmain Act.

The Gin Act, which was carried this session, was not a Ministerial measure, but one introduced by Sir Joseph Jekyll. It sought to check drunkenness among the lower orders—a vice which had grown to so alarming a pitch that the justices of Middlesex petitioned the House of Commons against it. The measure proposed a prohibitive duty of twenty shillings on every gallon sold by retail and £50 yearly for a license to every retailer. Pulteney and Walpole agreed in disliking the measure, and the latter

The Gin Act.

CHAP. II. George I. and George II.

got a clause inserted granting the King £70,000 to compensate him for the loss to the Civil List owing to the greatly reduced consumption of spirituous liquors. The bill passed, but the Premier's action made him unpopular with the lower classes, who charged him with selling the comforts of the people to the highest bidder.

Witchcraft.

An Act against Witchcraft, which had long been upon the statute book, was abrogated in 1736. This act condemned witches to be put to death, and the terrible penalty had been frequently exacted. Three witches had been hung at Exeter in 1682, and it is said that others so suffered at Northampton in 1705 and 1722. Holt, who was Chief Justice in the time of George II., did good service to humanity by exposing the vindictiveness of the punishment, and in the session of 1736 the law making witchcraft punishable by death was repealed. So far from this repeal having an injurious effect, the superstition gradually began to die out.

The Lighting of London.

In the same session an important measure was passed for the proper lighting of the streets of London. Hitherto the capital had been one of the worst lighted of European cities. The Lord Mayor and aldermen were now authorised to erect glass lamps in sufficient numbers throughout London, to keep them lighted from the setting to the rising of the sun, and to levy a considerable and general rate for their maintenance. Upwards of fifteen thousand lamps were erected in a few years. This measure gave greater security to the City, but the streets still continued to be infested at night by gangs of thieves, who were eventually subdued by a new police system.

The Porteous Riots.

The Porteous riots in Edinburgh in 1736 caused profound sensation. Two men named Wilson and Robertson, who had been condemned to death for smuggling, made a desperate attempt to escape while at service in the Tolbooth Church, and Robertson succeeded in doing so. When Wilson came to be executed, the mob assailed Captain Porteous and the city guard with stones. Porteous and his men fired, killing four men and wounding eleven others. Porteous was tried for his life and found guilty,

but received a reprieve. On September 7th, the day on which the reprieve expired, the mob broke into the Tolbooth, seized Porteous, and hanged him in the Grass Market. They then quietly dispersed. Neither by threats nor rewards could any disclosures be obtained by Government with respect to the offenders. Consequently, in the session of 1737, a punitive bill was brought in, drawn up in a very vindictive spirit. It actually sought to abolish the city charter, rase the city gates, disband the city guard, and declare the Provost, Mr. Wilson, incapable of again holding any public office. Witnesses were examined at the bar of both Houses, but nothing of importance was elicited. This legislation in a panic was unworthy of the Government, and the Scottish peers and members of Parliament fought against it tooth-and-nail. Even the Lord Advocate, Duncan Forbes, denounced it. So strong was the opposition that on one occasion in committee an important clause was only carried by the Chairman's casting vote. At length the measure was stripped of its worst features, and when it passed it was merely an act disabling Mr. Wilson from holding any future office, and imposing on the city a fine of £2,000 for the benefit of Captain Porteous's widow.

The Prince of Wales.

The Prince of Wales at this time became practically the head of the opposition to Walpole. His chief political friends—who were styled the Leicester House party—were Carteret, Pulteney, Chesterfield, Sandys, Lyttelton, Sir T. Sanderson, William Pitt, the Grenvilles, and Bubb Dodington. The Tory leaders in the Commons were Wyndham, Shippen, Lord Polwarth, Sir John Hynde Cotton, Fazackerly, Sir Watkin Wynn, and Lord Cornbury. The King came to an open rupture with the Prince, who had married Augusta of Saxe-Coburg. The Prince of Wales demanded that his income should be fixed by Parliament, and on February 22nd, 1737, Pulteney rose in the House of Commons and moved an address to the King praying him to settle £100,000 a year upon the Prince. Walpole replied that he had the King's commands to offer £50,000 and the revenues of the

CHAP. II. George I. and George II.

Duchy of Cornwall, amounting to about £10,000, but no more. He remarked that to interfere between father and son would be highly indecorous, and that no precedent existed for it except in the case of that weak monarch Henry VI. The Premier would have been in a minority had not the more ardent Tories, to the number of forty-five, left the House without voting, on the ground that they were unwilling to do anything to favour the heir of the House of Hanover. As it was, Walpole only secured a majority of 30, the numbers being 234 to 204. A similar motion by Carteret in the Lords was rejected by a large majority.

His quarrel with the King.

Immediately upon his failure with Parliament, the Prince of Wales hurried his wife from Hampton Court to the empty and unaired palace of St. James's, when she was on the point of giving birth to her first child. As a consequence of this unfeeling action, the King peremptorily ordered him to leave St. James's with his family. The Prince now offered his apologies to his parents, but it was too late. George II. refused to be reconciled, and the Queen, although upon her death-bed, declined to see her son. Queen Caroline died on November 20th, to the great grief, it may be justly said, of both the King and the nation.

The Play-house Bill.

The scandalous license of the stage called for restrictive legislation at this period. When plays were not indecent they were full of political animus. Gay's *Polly*, a sequel to his *Beggar's Opera*, was forbidden by the Lord Chamberlain, and in 1735 Sir John Barnard brought in a bill to restrain the number of playhouses, and to regulate the stage; but when Walpole suggested that the powers of the Lord Chamberlain should be enlarged, Barnard declared that they were too great already, and withdrew his bill. However, in 1737 the Premier himself moved in the matter. A farce called *The Golden Rump*, attacking the royal family and otherwise encouraging sedition and blasphemy, was brought to Walpole, in the hope that he would pay liberally to purchase and suppress it. He paid the money, but forthwith laid its most objectionable passages before

eminent members of both political parties, and inquired whether such things should be allowed to continue. Having secured the support of the Opposition, Walpole introduced his famous Playhouse Bill, under the form of an amendment to the Vagrant Act of Queen Anne. It declared that any actor without a legal settlement or a license from the Lord Chamberlain should be deemed a rogue and a vagabond. To the Lord Chamberlain it gave legal power instead of customary privilege, authorising him to prohibit the representation of any drama at his discretion, and compelling all authors to send copies of their plays fourteen days before they were acted, under forfeiture of £50 and of the license of the house. Moreover, it restrained the number of playhouses by enjoining that no person should have authority to act, except within the liberties of Westminster and where the King should reside.

Chesterfield's speech.

It was the fortune of this bill to draw from Lord Chesterfield one of the most brilliant speeches ever yet heard in Parliament. He predicted that if the bill were to be enacted, the ruin of liberty and the introduction of despotism must inevitably follow. While obliged to admit that there was a remarkable licentiousness in the stage, his lordship observed that there was law enough, if it were but made effectual. This bill, however, had far deeper designs, and sought to strike a mortal blow against the liberty of the press. In conclusion, he remarked, "If we agree to the bill now before us, we must perhaps next session agree to a bill for preventing any plays being presented without a license. Then satires will be wrote by way of novels, secret histories, dialogues, or under some such title; and thereupon we shall be told, 'What! will you allow an infamous libel to be printed and dispersed only because it does not bear the title of a play?' Thus, my lords, from the precedent now before us, we shall be induced, nay we can find no reason for refusing, to lay the press under a general license, and then we may bid adieu to the liberties of Great Britain!" In spite of these eloquent pleas, the

CHAP. II. George I. and George II.

bill rapidly passed through both Houses. Among the plays proscribed under the new system were the *Gustavus Vasa* of Henry Brooke and the *Edward and Eleanora* of Thomson. The former contained reflections on Walpole, and when it was printed the patronage of the Prince of Wales and Lord Chesterfield enabled the author to reap a reward of a thousand guineas from its sale. Thomson's tragedy contained a very flattering portrait of Walpole's most powerful enemy, the Prince of Wales; and a member of the Ministry was reported to have said that the dramatist had taken a "Liberty" which was not agreeable to "Britannia" in any "Season." The Playhouse Act crushed the rising fashion of political comedies, "but in general the licensing power was employed with much moderation and simply in the interests of morality." The act falsified Chesterfield's predictions, and, in spite of its liability to occasional abuse, it remains law to this day, without detriment to the unfettered efforts of genius, or to the wholesome influence and almost unlimited freedom of the English stage.[1]

Convention with Spain.

The pacific policy of Walpole abroad was now strongly attacked by the Opposition. Nevertheless the Premier concluded a convention with Spain. By treaty the English and Spanish Governments were permitted to search each other's ships for contraband goods, and as the English were constantly trying to establish an illegal trade with the Spanish colonies of South America, this right led to great difficulty and ill-will between the two nations. British merchants put forth their grievances, and found no lack of advocates in the House of Commons. After various motions and resolutions, a bill was brought in for securing and encouraging our trade with America.

Rise of Pitt and Mansfield.

In addition to Pulteney, Barnard, and Wyndham, the Opposition now found leaders in William Murray, the future Earl of Mansfield, and William Pitt the elder, afterwards Earl of Chatham. Both commenced their

[1] *Parliamentary History*, Coxe's *Memoirs of Walpole*, and Lecky's and Stanhope's *Histories of England*.

brilliant public career at this time. Pitt was the grandson of a former governor of Madras. Born in 1708, he was educated at Eton and at Trinity College, Oxford. After a period of Continental travel, he decided to go into the army, and obtained a cornetcy in the Blues; but in 1735 his family interest procured for him the seat of Old Sarum. His first speech in Parliament, which created a deep impression, was delivered in April, 1736, on the address voted in connection with the marriage of the Prince of Wales and Augusta, Princess of Saxe-Coburg. He soon became so troublesome to the Government that Walpole dismissed him from the army; but the Prince of Wales recompensed him by making him Groom of the Bedchamber. This independent position enabled him to attack at his ease the Premier's peace policy.

"Jenkins's Ear."

Greatly exaggerated complaints were made by British merchants of the depredations and cruelties of the Spaniards; and one story that did the Ministry much harm was that of "Jenkins's ear." Jenkins was the master of a trading sloop from Jamaica, and he asserted that his ship had been boarded by Spaniards, and although no proof of smuggling had been found, one of his ears had been barbarously torn off. This he carried about in cotton wool to excite sympathy, and being asked on one occasion how he felt when he was in the hands of such barbarians, he replied, "I recommended my soul to God and my cause to my country." This saying was bruited abroad, and it further inflamed the indignation of the people. There were those who affirmed that Jenkins had lost his ear in a totally different way, and some even insinuated the pillory; but the public were not in a reasoning mood, and the Opposition made a great deal of Jenkins.

Pitt on the Spanish Convention.

The Lords carried an address to the Crown on the general question of the Spanish depredations; and Walpole was further embarrassed by the proceedings of his colleague Newcastle, who began to intrigue against him, and who favoured the King's desire for war. An address approving the Convention was, however, carried in the

House of Peers, but only by 71 to 58 votes. In the House of Commons, when the same address was moved, energetic speeches in opposition were made by Gage, Sanderson, and Lyttelton. But by far the most effective oration was that of Pitt. In concluding his powerful attack, he said, "This convention, sir, I think from my soul, is nothing but a stipulation for national ignominy, an illusory expedient to baffle the resentment of the nation; a truce without a suspension of hostilities, on the part of Spain; on the part of England a suspension as to Georgia of the first law of nature, self-preservation and self-defence; a surrender of the rights and trade of England to the mercy of plenipotentiaries, and in this infinitely highest and sacred point, future security, not only inadequate, but directly repugnant to the resolutions of Parliament and the gracious promise of the throne. The complaints of your despairing merchants and the voice of England have condemned it. Be the guilt of it upon the head of the adviser; God forbid that this committee should share the guilt by approving it!" The Minister was still strong, however, though he only carried the day by a majority of 28 votes, the numbers being 260 to 232.

Secession of the Opposition.

Now ensued an extraordinary scene in the House of Commons. The Government resolution having again been carried on the report, the Opposition seceded from the House in a body. Wyndham, speaking for himself and his friends, said he solemnly took leave of the House for ever. Some of his expressions were so strong that it was thought he courted impeachment, and Pelham was about to move his committal to the Tower, when Walpole interposed, and took an ironical tone instead. He reminded Wyndham that he and his friends had said the same thing when Bishop Atterbury was impeached of high treason, and he now only feared that the seceders would not be as good as their word and would come back. So eventually they did. Meanwhile the Ministry readily carried their measures, including bills in behalf of the woollen manufacture and of the sugar colonies, and

a treaty for a Danish subsidy of 250,000 dollars annually for three years, in return for a promise of the King of Denmark to hold in readiness one thousand men for our service.

War with Spain declared.

But although the session of 1739 closed in tranquillity, the feeling in the country was such that Walpole knew he must either declare war or resign. Accordingly he yielded against his judgment to the wish of the King and the nation, and made war with the Spaniards, their abuse of the right of search forming the basis of the declaration. The war proved disastrous for England; and years afterwards Walpole's principal opponents admitted to Edmund Burke that they had been in error on this Spanish question and the right of search.

Walpole's popularity declines.

It began to be urged against Walpole that his legislation tended to the ruin of the country. The responsibility for every national grievance was placed upon his shoulders. His strength diminished, though as yet his measures continued to be carried. In the session of 1740 the land-tax was raised to four shillings in the pound, and £4,000,000 was granted for the war; but in other matters he began to make concessions in order to avoid defeat. One of his most formidable opponents, the Duke of Argyle, he got dismissed from his employments; and another, Sir William Wyndham—whom Speaker Onslow described as the most made for a great man of any politician he had ever known—was removed from the scene by the hand of death. But in place of Wyndham there had already arisen William Pitt, a far greater genius, and one destined to win immortal fame.

Motion to dismiss him.

In February, 1741, the opposition to the Prime Minister came to a head. In the House of Commons, Mr. Samuel Sandys—member for Worcester since 1717, but a man of little note—brought forward a motion for the dismissal of Walpole from his Majesty's councils. The conduct of the war, the Spanish Convention, the Minister's fraudulent views in adjusting the South Sea scheme, and other unconstitutional acts were the grounds relied upon. Mr. Wortley Montagu proposed that Walpole should

CHAP. II. George I. and George II.

withdraw during the debate, but this motion was regarded as unfair, and was withdrawn. Pitt and Pulteney severely attacked the Premier, who was defended by Pelham and Stephen Fox. During this concerted onslaught upon Walpole, Edward Harley, brother of the Lord Treasurer Oxford, observed a dignified moderation, in fact it may be said a noble magnanimity too often absent in political warfare. He had opposed the Premier, and should do so again; but "God forbid," he exclaimed, "that my private opinion should be my only rule of judgment!" Then he related how the impeachment and imprisonment of the late Earl of Oxford had shortened his life. That impeachment had been prosecuted by Walpole himself, who knew that there was no evidence to support it. He concluded thus: "I am now, sir, glad of this opportunity to return good for evil, and to do that right honourable gentleman and his family that justice which he denied to mine." With this he left the House, being followed by his kinsman Mr. Robert Harley. Shippen, the Jacobite, said that the motion was only a scheme for turning out one Minister and bringing in another; and Lord Cornbury declared that no man whose ardour for vengeance had not extinguished every other motive of action could resolve to sanction a method of prosecution by which the good and the bad were equally endangered, and he announced that he should vote against the motion. Walpole made a powerful speech in his defence. He dealt sarcastically with the three parties combined against him: the Tories; the dissatisfied Whigs, calling themselves patriots; and the boys, the clever young men of promise. The very name of patriotism, he said, was in danger of falling into disgrace. "A patriot, sir! why, patriots spring up like mushrooms! I could raise fifty of them within four-and-twenty hours; I have raised many of them in one night. It is but refusing to gratify an unreasonable or an insolent demand, and up starts a patriot." Sir Robert then defended his home and foreign policy, and thus concluded: "I must think that an address to his Majesty to remove one of his servants without so much as alleging

The Premier's defence.

KING GEORGE II.

any particular crime against him is one of the greatest encroachments that were ever made upon the prerogative of the Crown; and therefore, for the sake of my master, and without any regard for my own, I hope all those that have a due respect for our constitution and for the rights and prerogatives of the Crown, without which our constitution cannot be preserved, will be against this motion." Walpole's speech, which was not over till four o'clock in the morning, had a great effect, and owing further to the secession of the Tories, the motion was rejected by 290 to 106 votes. Carteret's motion in the Lords, though powerfully supported, was also lost by the large majority of 108 votes to 59. A protest, which report said was prepared by Bolingbroke, was signed by 31 peers.

The Pragmatic Sanction.

It seemed for the moment as though Walpole's power had been entirely recovered. But foreign affairs now absorbed attention, and the Minister was driven to interfere on behalf of the injured Queen of Hungary. An address was carried in the House of Commons pledging Parliament to maintain the Pragmatic Sanction;[1] and a subsidy of £300,000 was voted to the Queen of Hungary, England acknowledging by treaty the national obligation to assist her with a force of 12,000 men. The enforced neutrality of Hanover was likewise secured.

Elections of 1741.

Parliament was dissolved in April, 1741, and the new elections were held shortly afterwards. One of the first contests was that for Westminster, where a tumult arose because one of the Ministerial candidates ordered the poll-books to be prematurely closed. The military appeared at the hustings, and it was thought that this incident lost several elections to Ministers. When the

[1] There are six or seven important Pragmatic Sanctions, but the one of historic eminence here referred to is the one always meant as the Pragmatic Sanction, unless there are qualifying words pointing to some other instrument. It was that of April 17th, 1713, by which the Emperor Charles VI. secured the hereditary succession of the states of Austria in the female line. This was in order to transmit the crown to his eldest daughter, Maria Theresa.

CHAP. II. George I. and George II.

electoral struggle was over, Government could only command a majority of sixteen.

The Opposition.

When the new House of Commons met in December, Pulteney counselled the Opposition not to divide on the Address, wittily observing that "to divide was not the way to multiply"; but in the struggle over the appointment of Chairman of Committees the Opposition carried their candidate, Dr. Lee, by the narrow majority of four votes, the numbers being 242 to 238. Walpole's enemies were wild with delight over this victory.

Debates on the election petitions.

Almost nightly battles were now fought upon the election petitions. Instead of being referred to a select committee, election petitions were at that time tried by a committee of the whole House, and were regarded purely as party questions. Walpole let it be known that no quarter would be given in these petitions, yet on the day after the King's speech was debated he only succeeded in the Bossiney case by seven votes. His son exclaimed, "One or two such victories, as Pyrrhus, the member for Macedon, said, will be the ruin of us!" Yet on the Westminster petition—opened by Murray with an eloquence beyond what was ever heard at the bar—Ministers were defeated by four votes. The Houses adjourned for the Christmas holidays; and Walpole's personal friends, seeing whither affairs were tending, earnestly entreated him to resign. His ambition and love of power, however, were too strong, and he hoped to better his position by an offer to the Prince of Wales of an addition of £50,000 to his yearly income and the payment of his debts if he would desist from his opposition to the measures of the Government. But the overture was rejected.

Attack on the Premier.

When Parliament met again in January, 1742, Pulteney brought forward a motion for referring to a Secret Committee the papers which had been laid before the House relating to the war. The mover spoke with great but acrimonious ability, and was seconded with equal force by Pitt. Lord Perceval, the new member for Westminster, inadvertently let out the truth that the motion

was really for a committee of accusation against the Minister. Thereupon Walpole rose and delivered one of the most effective and denunciatory speeches ever heard in the House of Commons. Alluding to Dodington, who had called his administration infamous, he described him as a person of great self-mortification, who for sixteen years had condescended to bear part of the infamy. As to Pulteney, it is said that Sir Robert "actually dissected him and laid his heart open to the view of the House." Even Walpole's enemies acknowledged that his speech was a masterpiece of eloquence, and it revealed an intimate acquaintance with foreign affairs. Yet in a House composed of 508 members Ministers only secured a majority of three.

Fall of Walpole.

Walpole's fall, however, was not long delayed, for it occurred upon the Chippenham election petition. It is an illustration of the surprises of politics that so small a matter should achieve the overthrow of a great Minister after a long period of supremacy. On a preliminary point Walpole was beaten by a majority of one, and upon the final decision in the Chippenham petition by a majority of 16. Thereupon he resigned all his offices, and was shortly afterwards created Earl of Orford, with an additional pension of £4,000 a year. These honours were fiercely resented by the Opposition, and Walpole's reputation would have stood higher with posterity if he had been content to rest on the memory of his great services.

New Administration.

At the instigation of the fallen Minister, the King offered Pulteney the post of Prime Minister, on the sole condition that Walpole should not be prosecuted. Pulteney declined office on these terms, and Lord Wilmington (Sir Spencer Compton) was commissioned to form a Government. Wilmington was the nominal chief, and several members of the Opposition came into office, but there was no radical change of policy. Wilmington was First Lord of the Treasury; Pulteney joined the Cabinet, but without office; Hardwicke was Lord Chancellor, Sandys Chancellor of the Exchequer; Carteret

CHAP. II. George I. and George II.

and Newcastle were Secretaries of State; Winchilsea and Nottingham was First Lord of the Admiralty, Henry Pelham Paymaster, and the Duke of Grafton Lord Chamberlain. Pulteney retired to the House of Lords as Earl of Bath, losing much of his influence thereby, and Carteret was really head of the Government. Pulteney was hated by the King, and his virtual disposition of the Ministerial offices, together with his own elevation, caused him to lose a large share of his popularity.

Proceedings against Walpole.

The prosecution of Walpole was the chief act of the new Government. Fazackerly, a high Tory lawyer and member of Parliament, was commissioned to draw up articles of impeachment; but as these were not satisfactory, on March 9th Lord Limerick moved for a Secret Committee to inquire into the administration of Sir Robert Walpole during the last twenty years. Pulteney now discountenanced hostile action, and the motion was negatived by a majority of two—244 to 242. But the feeling was so strong that Pulteney was obliged to consent to the reintroduction of the motion on March 23rd. On this occasion he supported it, but without rancour, and asked to be omitted from the committee. The question was carried by 252 votes to 245. Horace Walpole ably defended his father, but he was as ably attacked by Pitt, who observed that while it was becoming for the honourable gentleman to remember that he was the child of the accused, the House ought also to remember that they were the children of their country. When the Secret Committee was named, it was found that out of twenty-one members only two were declared friends of Walpole. The committee was baffled in its attempts to obtain evidence. The ex-Minister was shielded by the Crown and the House of Lords; and Sir John Barnard was so disgusted with the personal animus exhibited against Walpole that he retired from the committee. Edgcumbe, who chiefly managed the Cornish boroughs, was made a peer to avoid giving evidence, and the Secretary of the Treasury declined to take the oath of discovery. The committee was foiled, and could only substantiate the

most trivial charges against Walpole. A bill to indemnify the recipients of bribes if they gave evidence against the fallen statesman was rejected by the Lords, though it had passed the Commons. The report of the committee failed to excite indignation against the Minister.

His death.

Walpole was already in declining health. For many years he had fought a stout battle with his enemies ; and in 1745, three years after his fall, he died. This great statesman was in many respects misrepresented by his foes, but there is no doubt that he seriously lowered the tone of public life. He was cynical, and seemed to have no faith in political virtue. He was jealous of power, and corrupted the House of Commons to maintain his position. At the same time he preserved peace at a critical period, and completed the Revolution settlement. Stanhope considered that he understood the true interest of his country better than any of his contemporaries ; while Burke remarked that his prudence, steadiness, and vigilance preserved the crown to the Hanoverian family, and with it the laws and liberties of England.

The War.

The session of 1743 was chiefly noted for its discussions on the war and our share therein. England took an active part in the campaign, and, with the Hessians and Hanoverians, defeated the French at Dettingen-on-the-Maine. The French forces now withdrew from Germany.

The Place Bill.

Parliament passed the Place Bill, limiting the number of offices tenable by members of Parliament. It was originally proposed by Sandys, but now opposed by him on the ground that George II. was antagonistic to it. The measure was derided at the time, but, as Hallam has shown, it excluded a great number of inferior officers from the House of Commons, which has never since contained so shameless a list of mere Court deputies. Parliament also repealed the Gin Act, which had utterly failed in its action, as Walpole predicted. A new bill was passed, however, by which a small duty per gallon was laid on spirits at the still head, and the price of licenses reduced to

CHAP. II. George I. and George II.

twenty shillings. Chesterfield opposed this measure with unusual eloquence, but in vain.

Pelham becomes Premier.

On the death of Wilmington in July, 1743, Henry Pelham was appointed First Lord of the Treasury. The friend and pupil of Walpole, he lacked that Minister's courage and aggressiveness, and it was only with reluctance that he accepted the post offered him over the head of Pulteney. Pelham was a younger brother of the Duke of Newcastle. He was only forty-seven years of age, and had been in Parliament twenty-four years. The Paymastership of the Forces, which he had hitherto held, he gave to Winnington, and took up the Chancellorship of the Exchequer, which Sandys vacated on being elevated to the peerage. Places were also found for Henry Fox and Lord Middlesex, the latter an adherent of the Prince of Wales.

War with France.

The Austrian succession question caused the Ministry much concern. By the Treaty of Worms, now entered into, England, Holland, Austria, Saxony, and Sardinia agreed to carry out the Pragmatic Sanction. This led in 1744 to the League of Frankfort, which was formed between France and Prussia in opposition to the Treaty of Worms. Pelham was obliged to fall in with the demands of his party and to declare open war with France.

The Jacobites.

The French made an unsuccessful attempt to support an expedition of Prince Charles Edward to England. This renewed activity of the Jacobites drew all parties in Parliament together, except the high Tories. Supplies to the extent of nearly £10,000,000 were voted, including subsidies of £300,000 to Austria and £200,000 to Sardinia. The Habeas Corpus Act was suspended for two months, and a measure was passed imposing stringent penalties on treasonable correspondence with the Pretender. The sons of the Pretender were to be attainted should they endeavour to land in England, and the penalties of the act were to extend to the children of the convicted. Against this latter clause Bedford and Chesterfield spoke strongly, but unsuccessfully, in the Lords, and Pitt and Strange in the Commons.

Carteret, who had now succeeded as Earl Granville, was a great stumbling-block to the Ministry. This clever man, high in the royal favour "and drunk with ambition and wine, continued to treat the Pelhams with haughty disdain." But his unscrupulous support of all Hanoverian measures had lost him his reputation, both in Parliament and with the people. The time now came when the King must choose between Hanover, with Granville, and the House of Commons, with Pelham.[1] He was obliged to let Granville go; and in November, 1744, that statesman resigned the Secretaryship of State, and the seals were given back to his predecessor, the Earl of Harrington. Sir J. Hinde Cotton was appointed Treasurer of the Chamber, Lord Gower Privy Seal, and Lord Chesterfield Lord Lieutenant of Ireland. The reconstructed Ministry, of which Pelham found himself the head, is known as the "Broad-bottom Administration." Pitt now undertook to support the Ministerial measures in the House of Commons, and the Opposition became so weak that for some years the Parliamentary debates dwindled almost into insignificance.

Resignation of Granville.

The "Broad-bottom Administration."

The first motion we meet with on behalf of Parliamentary reform was brought forward at the opening of the session of 1745, when Sir F. Dashwood unsuccessfully endeavoured to carry an amendment to the Address claiming for the people the "right to be freely and fairly represented in Parliament."

Parliamentary Reform.

In May, 1745, the English and their allies were defeated by the French at Fontenoy, and one of the immediate effects of this defeat was the Jacobite rebellion in Scotland. Prince Charles, with seven followers, landed near Moidart on July 25th, and was joined by Lochiel and other important Highland chiefs. He outwitted Sir John Cope, the English commander, and was proclaimed at Edinburgh. The Pretender defeated Cope at Preston Pans, and then invaded England. The population as a whole, however, was apathetic towards the

The Jacobite Rebellion of 1745.

[1] Mahon's *History*.

cause of the Jacobites. Charles took Carlisle and advanced as far as Derby, but was then compelled to retreat northwards. He reached Glasgow on December 25th, and on January 17th, 1746, defeated General Hawley at Falkirk. But most of his followers dispersed to their homes with the booty, and the Prince was finally overwhelmed and defeated at Culloden (April 16th). Lords Kilmarnock and Balmerino were tried and executed for high treason, and their titles and estates confiscated. In 1747 the same fate befell Lords Lovat and Derwentwater, and six years later another prominent Jacobite, Dr. Archibald Cameron, Lochiel's brother, was executed.

Stringent legislation.

Severe legislation followed the rising. In 1747 Highlanders were disarmed, forbidden to wear their national dress, and the hereditary jurisdiction of the Highland chiefs was abolished, and compensation given. This abolition of the heritable jurisdictions destroyed the power of the chiefs, and put an end for ever to Highland revolts. Subsequently an Act of Indemnity was passed, granting a pardon to all persons who had committed treason, with some eighty exceptions.

End of Jacobitism.

The Jacobite cause was practically extinguished at Culloden. Prince Charles escaped, but his party rapidly lost ground in England. When the Whigs fell, the Tory party in the reign of George III., under the brilliant leadership of Pitt, had ceased all connection with Jacobitism, and only a small band of fanatics henceforth looked for a Jacobite restoration. Prince Charles Edward died in 1788, and with the death of Cardinal Henry of York in 1807 the last of the Stuarts passed away.

Ministerial crisis

While the Jacobite rebellion was at its height, a Ministerial crisis arose at St. James's. The Pelhams resigned because the King would not admit Pitt to office, and Granville was commissioned to form a Ministry. On his failure, however, the old Ministers returned, with Pitt as Vice-Treasurer of Ireland, an office exchanged a few months later for that of Paymaster of the Forces. Henry Fox (subsequently created Lord Holland) became Secretary-at-War, and in the following October Chester-

field succeeded Harrington as Secretary of State. The brilliant Chesterfield did not hold office long. Failing in his project of governing the King through his mistress Lady Yarmouth, and finding that his hopes of peace were not likely to be realised, he resigned in 1748, and was succeeded by the Duke of Bedford.

Treaty of Aix-la-Chapelle.

Nevertheless, not long after Chesterfield's resignation, peace negotiations were set on foot, and the Treaty of Aix-la-Chapelle was concluded on April 18th, 1748. By this treaty, which closed the war of the Austrian succession, all conquests made during the war were restored by both sides, but the right of search was left unnoticed. The French king agreed to recognise Maria Theresa and to exclude the Pretender from France. Austria was the great loser by the settlement, and the result of the treaty was the breach of the alliance between that Power and England.

Miscellaneous legislation.

The legislation of 1749-50 was interesting and important. Additional subsidies were granted of £100,000 to the Empress-Queen, and smaller amounts to the German princes. Another grant resulting from the war was one of £10,000 to indemnify the magistrates and Town Council of Glasgow for the like sum levied upon them during "the late unnatural rebellion." A measure was passed facilitating the settlement of Halifax, now the flourishing capital of Nova Scotia. A clause was added to the annual Mutiny Act subjecting all half-pay officers and soldiers at home to martial law. This was violently opposed by some as an interference with constitutional freedom. A similar clause for naval officers was introduced into the Marine Mutiny Bill, but Pelham gave way upon this, and it was withdrawn, thus leaving an "anomalous disparity between the two branches of public defence." Pelham, who manifested conspicuous ability as Chancellor of the Exchequer, carried a scheme by which the interest on the National Debt was reduced to 3 per cent.; and soon after the fourteen different kinds of stocks were consolidated into five.

CHAP. II. George I. and George II.

Laws against wrecking.

A serious evil, which had long been felt throughout the whole of our coasts, was grappled with in the session of 1749. This was the plunder of shipwrecked sailors, who were often lured by false signals upon the rocks. By the middle of the eighteenth century the crime had increased to an enormous degree. A law had been passed to check it in the reign of Queen Anne, and this had been made perpetual under George I. It was declared to be felony, without the benefit of clergy, to do any act by which a ship was destroyed. The authorities in every seaport town were authorised to take preventive measures, and the act was ordered to be read four times yearly in all the parish churches and chapels of the various seaport towns in the kingdom. The legislation proved utterly inadequate, however; and the Government of Pelham now carried a bill making the plunder of a shipwrecked or distressed vessel a capital offence.

Death of the Prince of Wales.

Frederick, Prince of Wales, having died on March 20th, 1751, and the heir apparent being a boy of twelve, a Regency Act became necessary. One was accordingly passed, appointing the Princess of Wales regent in the event of the death of George II. before the young Prince was eighteen years old. She was to be assisted by a council of regency nominated in the Act, to which the King was empowered to add four others. The bill passed the Lords with only two dissentients, Stanhope and Talbot; but in the Commons there was a minority of 90.

The Calendar reformed.

The chief measure of the session of 1751 was that for the reformation of the Calendar. The scheme was drawn up by Chesterfield, in concert with Lord Macclesfield and Bradley the astronomer. It was proposed by the new style—which had already been in vogue for nearly two centuries in Roman Catholic countries—that the legal year should commence in future on January 1st instead of March 25th, and that eleven nominal days should be suppressed between September 2nd and 14th. The old quarter-days for government purposes, however, were to be retained. The bill passed, but so great was

the ignorance of a number of the people that they imagined they had really been robbed of the time suppressed, and they raised a cry of "Give us back our eleven days!"

Alexander Murray resists the Commons.

The House of Commons manifested a tyrannical spirit in the session of 1751 in a case arising out of a disputed election for Westminster. In the course of his examination at the bar of the House, the High Bailiff of Westminster denounced, as one of the persons who had obstructed and insulted him in the discharge of his duty, the Hon. Alexander Murray, brother of the noted Jacobite Lord Elibank. Witnesses were summoned, but the accusation was badly supported. Nevertheless the House voted that Murray should be confined a close prisoner in Newgate, and should receive his sentence on his knees. The accused rebelled against this indignity, and said, "Sir, I never kneel but to God. When I have committed a crime I kneel to God for pardon, but, knowing my own innocence, I can kneel to no one else." Members were horrified at this insubordination, and Speaker Onslow exclaimed in deep displeasure, "On your knees, sir! You must kneel down." Some went so far as to suggest that Murray should be confined in the dungeon of the Tower known as "Little Ease," so called because the prisoner could neither stand upright nor lie at length in it. Pelham, to his honour, prevented this, and Murray was sent to Newgate, but under the closest restrictions, being debarred from the use of pen, ink, and paper, the attendance of his servant, or the visits of his friends. On being set free at the close of the session, according to custom, he was made the hero of a triumphal procession through the City. But on the first day of the next session he was again committed. It was found that he had retired to the Continent, and a reward of £500 was offered for his apprehension, but nothing further was done in the matter. The public conscience was roused by Murray's firmness and sufferings, and this case eventually led to the suppression of a custom more honoured in the breach than in the observance. By a standing order of the House of

CHAP. II. George I. and George II.

Commons made in 1772, the practice of compelling a delinquent to receive the orders of the House upon his knees was abolished.[1]

Curious Parliamentary privileges.

While the House of Commons was thus severe upon offenders, it was also most tenacious of the privileges of its own members. The journals of the House during the reign of George II. show that on one occasion it was voted a breach of privilege to have "killed a great number of rabbits from the warren of Lord Galway." The fish of a member named Jolliffe were honoured with a like protection, as were the trees of Mr. Hungerford, the coals of Mr. Ward, and the lead of Sir Robert Grosvenor. The footman of one member and the porter of another were "held to be as sacred and inviolable as the persons of the members themselves." Other peculiarities of privilege have been noted in the course of this work.

The Jews.

In the session of 1753 the Government introduced the Jews' Naturalisation Bill, which extended the privilege without making it universal. Even this concession was vehemently opposed, however, one of the grounds advanced being that it would deluge the kingdom with usurers, brokers, and beggars, and rob the lower classes of their birthright by undue competition with labour. It became law, but such was the agitation set on foot against the Jews throughout the country that in 1754 the Government, in obedience to the panic, were compelled to repeal the act.

[1] *Parliamentary Debates* and Hatsell's *Precedents*. There had been one notable case before Murray's where an offender also stoutly resisted the ignoble order of receiving sentence on his knees. It occurred in the Long Parliament, the delinquent being David Jenkins, a Welsh judge. He addressed the House in very bold language. "Mr. Speaker," he said, "since you and this House have renounced all your duty and allegiance to your sovereign and natural liege lord the King and are become a den of thieves, should I bow myself in this house of Rimmon, the Lord would not pardon me in this thing." The House was furious, ten or twenty members rising together in the uproar. Jenkins was voted guilty of treason without trial, and sentenced to die; but Harry Martin saved his life by good-humouredly moving that the House suspend the day of execution.

The Marriage Act.

Another important measure of the session of 1753 was Lord Hardwicke's Marriage Act. The object was to prevent clandestine marriages. The bill provided that, with the exception of Jewish and Quaker marriages, no marriage should be valid unless performed according to certain formalities by a clergyman of the Church of England, and after the publication of banns or the granting of a special license by the archbishop. Any clergyman breaking these restrictions was liable to transportation for seven years. No doubt there were crying evils which required a remedy, including the Fleet marriages, which were a scandal to religion and a constant danger to families; but the bill was a great grievance to Nonconformists. Although the bill was framed by the Lord Chancellor, it was severely attacked by his Ministerial colleague Fox, who had himself formed a clandestine marriage with Lady Caroline Lennox, daughter of the Duke of Richmond. It was also in attacking this bill that Charles Townshend, member for Yarmouth, first made a considerable mark as a debater. Fox declaimed strongly against the jargon and chicanery of lawyers, but afterwards strove to soften his expressions. When the bill returned to the Lords, however, Hardwicke delivered a bitter philippic against Fox. "For my part," he said, "I despise the invective, I despise the apology, and I reject the adulation!" The bill passed after heated debates and recriminations.

The British Museum.

The British Museum was founded in 1753 by the purchase for £20,000 of the collection of treasures left by Sir Hans Sloane. One home was now provided for three valuable accumulations—viz., the Cottonian, the Harleian, and the Sloane collections. A suitable repository was found for them in Montagu House, and the necessary amounts required were raised by lotteries under an act of Parliament.

Death of Pelham.

Pelham, the able financier and industrious man of affairs, died on March 6th, 1754. When George II. heard of his death he exclaimed, "Now I shall have no more peace!" and the ejaculation proved prophetic.

CHAP. II. George I. and George II.

The incompetent Duke of Newcastle assumed the government; and although his Ministry was not quite so rich in dukes as the "Broad-bottom Administration," which contained no fewer than seven members of the highest order of the peerage, it was yet very largely aristocratic. Sir Thomas Robinson was made Secretary of State, and inefficiently led the House of Commons in the first session of the new Parliament, which met in November, 1754. Pitt exclaimed to Fox, "The Duke might as well send his jack-boot to lead us!" During this year the French formed the settlement of Fort Duquesne, on the Ohio, and war followed between the English and French colonists. Subsidy treaties were also at this time entered into by England with Hesse and Russia, and Pitt was offered a seat in the Cabinet, and other advantages, if he would support them; but as he resolutely declined, he was dismissed from his post of Paymaster of the Forces. Robinson was shelved on a good pension, and Fox became Secretary of State, with the lead of the House of Commons.

Treaty debates.

When Parliament met in November, 1755, the treaties with Russia and Hesse were the principal features of the King's speech and the addresses. In the Lords, Earls Temple and Halifax declaimed against the treaties, but there was no division. The debate in the Commons was one of the longest yet on record. It was on this occasion that William Gerard Hamilton, member for Petersfield, delivered the famous oration which procured for him the name of "Single Speech Hamilton." Although he spoke for the first time, his speech was perfection, full of antithesis and of argument; indeed, it was the best-reasoned speech of the day. The young orator, content with his fame, made no other speeches in the House of Commons, but shortly afterwards retired upon a lucrative office in Ireland. Hamilton was one of the numerous reputed authors of *Junius*.

"Single Speech Hamilton."

Powerful speech by Pitt.

Pitt delivered a fine speech during the debate. He was "haughty, defiant, conscious of recent injury and of supreme abilities." "He surpassed himself," wrote

Horace Walpole, "and then I need not tell you that he surpassed Cicero and Demosthenes." Unfortunately, reports of the best speeches at this time are of the most meagre and defective description. One celebrated passage of Pitt's oration, however, has survived, descriptive of the coalition between Newcastle and Fox. "It strikes me now!" exclaimed Pitt, suddenly raising his hand to his forehead. "I remember that at Lyons I was taken to see the conflux of the Rhone and Saone, the one a gentle, feeble, languid stream, and though languid, of no depth, the other a boisterous and impetuous torrent; but different as they are, they meet at last; and long," he added, with bitter sarcasm—applying the allusion to Newcastle and Fox—"long may they continue united, to the comfort of each other, and to the glory, honour, and security of this nation!" If Ministers could not lay claim to the eloquence they could to the votes, and the Address was carried by 311 to 105. A few days later Pitt, Legge, and George Grenville were dismissed from their places. Sir George Lyttelton was made Chancellor of the Exchequer, and Lord Barrington Secretary-at-War.

The Seven Years' War.

In 1756 England made an alliance with Prussia, and war was declared between England and France, India and America being the double theatre of operations. The Seven Years' War began in Europe, the conflict being caused by the alarm entertained by the Continental Powers at the aggressive designs of Frederick the Great and by the desire of Maria Theresa to recover the province of Silesia from the King of Prussia.

Mr. Secretary Pitt.

While these great events were in their inception, a Ministerial crisis occurred in England. Newcastle, being deserted by Fox, and unable to make terms with Murray (soon to be created Lord Chief Justice Mansfield), Egmont, and Granville, resigned office. The Duke of Devonshire became nominal Prime Minister, with Pitt as Secretary of State and possessing the real power.

Parliament in 1757

On the opening of the session of 1757, Parliament passed a series of resolutions prohibiting for a limited

CHAP. II. George I. and George II.

time the export of grain, flour, and biscuit; fifty-five thousand men were granted for the sea service, and forty-five thousand for the land; a bill was passed for remodelling the national militia; and a sum of £200,000 was granted for the defence of his Majesty's electoral dominions.

Admiral Byng.

The case of Admiral Byng caused great excitement at this time. Owing to his pusillanimous conduct, Minorca was captured by the French. There was no imputation on Byng's personal courage, but he had failed in fully acting up to his responsibility. He was condemned by court-martial, and the populace clamoured for his death. Pitt exerted himself to the utmost to save him, but in vain, and on March 14th he was shot on the quarter-deck of the *Monarque* in Portsmouth harbour.

England without a Government.

The King was still very inimical to Pitt, and dismissed that statesman on April 9th. Devonshire fell with him. The Duke of Newcastle now endeavoured in vain to form a Ministry without Pitt; and for nearly three months the extraordinary spectacle was witnessed of England without a Government, and with a great war in prospect. At last

Pitt returns.

the King was compelled to give way and to receive Pitt. The Ministry was re-constituted with the Duke of Newcastle as First Lord of the Treasury, Legge as Chancellor of the Exchequer, Pitt and Holderness as Secretaries of State, Granville as Lord President, Temple as Lord Privy Seal, and George Grenville as Treasurer of the Navy. Pitt was the real head of the Government; and, by the strange irony of fate, his rival Fox, who had led the House of Commons, accepted the inferior office of Paymaster of the Forces, without a seat in the Cabinet.

Convention with Prussia.

In 1758 a new convention was concluded with Prussia, by which England agreed to pay to that Power yearly a subsidy of £670,000. The House of Commons voted the money with scarcely a dissentient voice, as it did the supplies generally, amounting to upwards of £10,000,000.

Great triumphs for England.

Pitt now prosecuted the various wars in which England was engaged with great vigour. In 1757 the successes of Clive in India had somewhat atoned for the

disasters in Germany; in 1758 there were neither great victories nor great defeats to record; but the year 1759, which was one of the most glorious in our history viewed from the standpoint of foreign affairs, made amends for all. In Europe, Africa, Asia, and America extraordinary successes were recorded. The victories by land and sea culminated with the naval victories at Lagos and off Quiberon Bay, and the capture of Quebec under General Wolfe, which ensured the conquest of Canada.

"The Great Commoner."

These brilliant successes gave Pitt an extraordinary influence in Parliament and with the whole nation, and he enjoyed a prestige hitherto unparalleled in the career of any English statesman. He was spoken of as "the Great Commoner," and his will and that of Parliament might be said to have become synonymous terms.

Death of the King.

In the midst of this period of triumph, however, George II. died, on October 25th, 1760, and it was felt that new political developments must immediately follow. These will be detailed in the ensuing chapter. Personally, George II. had "scarcely one kingly quality, except personal courage and justice." But his private failings must not blind us to the fact that as a sovereign he made no attempt to invade the rights of the nation or unduly to assert the prerogatives of the Crown. As Lord Stanhope has remarked, his reign, which was illumined towards its close by the glories of Wolfe and of Chatham, "left the dynasty secure, the Constitution unimpaired, and the people prosperous."

CHAPTER III.

THE REIGN OF GEORGE III.

Accession of George III.

GEORGE III., the son of Frederick Prince of Wales, and grandson of George II., was twenty-two years old when he began that reign which proved to be the longest and most eventful in our annals. He was born on June 4th, 1738, and married in 1761 the Princess Charlotte Sophia of Mecklenburg-Strelitz.

Lord Bute.

The young King was greatly under the influence of his father's friend, John Stuart, Earl of Bute, a man of haughty carriage and unconciliatory manners. As soon as the reign began, Bute endeavoured to make a figure in the political sphere, although he had hitherto shown no special aptitude or ability for the career of a statesman. Only two days after his accession George III. directed that his brother Edward, Duke of York, and his Groom of the Stole, Lord Bute, should be sworn of the Privy Council; and from this time forward the latter was consulted on all the principal affairs of state. One of the first acts of the King was to issue a proclamation "for the encouragement of piety and virtue, and for the prevention and punishment of vice, profaneness, and immorality." Whatever faults George III. possessed—and he was undoubtedly not without them—this proclamation only set forth the earnest efforts of his own life for upwards of half a century after its issue.

In opening Parliament in November, 1760, the King said that he gloried in the name of Briton, and that it would be his peculiar happiness to promote the welfare of his people—expressions which were welcomed with the liveliest satisfaction by the Lords and Commons. Supplies amounting to nearly £20,000,000 were promptly voted, and the Civil List for the new reign was fixed at £800,000 per annum, the King surrendering the branches of his hereditary revenue.

The King's first speech.

In the following March Speaker Onslow retired, after a long and honourable service of thirty-three years. "He had filled the chair with higher merit probably than any one either before or after him—with unequalled impartiality, dignity, and courtesy."[1] In taking leave of the House of Commons, he said, "It is, I confess, with regret, because the being within these walls has ever been the chief pleasure of my life."

Speaker Onslow.

The party names of Tory and Whig were revived, the former being used to denote those who supported Bute's policy or person, and the latter to designate his opponents generally. There were cabals and intrigues on both sides, but Bute's influence was already in the ascendant, and on March 25th, 1761, he was appointed joint Secretary of State with Pitt, in the place of Lord Holderness.

Political parties.

The elections took place during March and April, and, although there was no great political struggle involved, they were the most venal elections which had yet been held. The sale of boroughs to any wide extent, as Hallam has remarked, may be dated from this period ; and one borough, that of Sudbury, actually advertised publicly for a buyer. The penalties of bribery were evaded by a simulated sale of trifling articles at exorbitant prices.

The Elections.

What is known as the Family Compact was made in 1761 between France and Spain, its object being to associate the latter Power with France in the Seven Years' War. Pitt earnestly entreated the Cabinet to

Resignation of Pitt.

[1] Stanhope's *History of England.*

declare war against Spain, but only one of his colleagues —his kinsman Lord Temple—supported him, and Pitt consequently resigned on October 5th. He deprecated the idea of any promotion or reward for himself, but accepted a peerage for his wife, who was created Baroness Chatham. A pension of £3,000 was also granted to Pitt for three lives. Early in the following year the Government were obliged to go to war with Spain, as Pitt had besought them, thus justifying his policy.

The new Parliament.

The new Parliament met on November 3rd, 1761. George Grenville, younger brother of Lord Temple and Treasurer of the Navy, had been indicated for Speaker; but he was destined for high political office, so the choice of the Commons fell upon Sir John Cust, member for Grantham and founder of the Brownlow family. During the debates on the Address Pitt defended his recent policy with force and moderation, but he was severely attacked by one Colonel Isaac Barré, to whom Lord Shelburne had just given up his seat for Chipping Wycombe. Barré, of whom more will be heard at a later period, described Pitt as "a profligate Minister," and one likely to incur "the execration of the people." Pitt, however, took little notice of his philippics. Parliament passed an act securing to Queen Charlotte a yearly income of £100,000 in case she should survive her husband.

Pitt and Sackville.

In the session of 1762 Lord George Sackville, who had been cashiered for his conduct in the German war, now turned his attention to political matters. He complained of the expenses of the war, and made some insinuations against Pitt. The latter replied, "If he means there has not been fair play with the money, I know nothing of it." Then stretching out his hand dramatically, and moving his fingers to and fro, he exclaimed, "They are clean; there is none of it sticks to them!"

Bute becomes Prime Minister.

In June the Duke of Newcastle resigned the Premiership, nominally because Bute refused to continue the subsidy to Prussia, but really because he was never

consulted either in matters of policy or of patronage. Newcastle was little of a statesman, though he was very fond of power; but he set an example to many men more distinguished than himself on leaving office. Although his own income had fallen from £25,000 to £6,000 a year, he refused a pension. On the fall of Newcastle Bute was supreme. He became Prime Minister, with George Grenville Secretary of State in his stead, and Sir Francis Dashwood Chancellor of the Exchequer. Bute also received the Garter; but in a very short time a storm of popular indignation began to gather round his head.

Bribery Act

The session of 1762 was not fruitless in a domestic sense, for it witnessed the passing of a Bribery Act. Previous attempts to grapple with the evils of corruption had proved futile, and now provision was made for inflicting pecuniary penalties for bribery. This, however, was by no means the last legislative effort required to check a degrading practice.

The Premier's vindictiveness.

Preliminaries of peace were signed at Fontainebleau in November. Several prominent peers who disapproved of this step were vindictively punished through the influence of Bute. The Dukes of Newcastle and Grafton and the Marquis of Rockingham were deprived of their lord-lieutenancies; and the Duke of Devonshire, who had resigned the post of Lord Chamberlain, was struck off the list of the Privy Council. Bute even carried his animosity down to the inferior officials who had been promoted by the late Administration. Pitt fiercely assailed the Peace in the Commons, in a speech of three hours' and a half duration; but Fox, who had now received a seat in the Cabinet, secured the great majority for the Government of 319 to 65. The Treaty of Paris was formally concluded on February 10th, 1763. The contracting Powers were England, France, Spain, and Portugal; and by this instrument England retained her conquests in America, including Canada, and gained considerable advantages in the West Indies. Pondicherry, in the East Indies, was restored unfortified. The Treaty

Treaty of Paris, 1763.

CHAP. III. The Reign of George III.

of Hubertsburg was also concluded in 1763, between Maria Theresa and Frederick. By this treaty, which closed the Seven Years' War, Frederick retained Silesia.

Financial measures.

Bute's colleagues in the Commons had little ease. Fox was treated with such scant courtesy that he longed for rest and a peerage; while Dashwood—who is remembered rather for the orgies of Medmenham Abbey than for his merits as a Chancellor—brought in a Budget which did neither himself nor the Ministry any good. Additional wine duties and a tax on cider were proposed. The spectre of the exciseman was again raised. Pitt inveighed against his intrusion into private dwellings, "and quoted the proud old maxim that every Englishman's house was, or should be, his castle." George Grenville said if he (Pitt) objected to this particular tax on cider, he was bound to tell them where else he would have taxes laid. "Let him tell me where!" he kept on exclaiming in a peevish and monotonous tone, until Pitt, imitating his voice and action, ejaculated, "Gentle shepherd, tell me where!" The nickname of "the Gentle Shepherd," thus happily applied to Grenville, afterwards clung to him the more because of the sharp contrast between his starched and peculiar mien and anything that was pastoral either in poetry or character. The Cider Bill was carried, although it was unpopular; and it was in connection with this measure that the Lords first divided on a money bill.

"Gentle Shepherd."

The Cider Bill.

The King's views of government.

Meantime the King's personal views of government and Bute's conduct in the management of affairs were having an injurious effect. George III. believed in government by the sovereign. He "regarded with settled jealousy the power of his Ministers as an encroachment on his own, and resolved to break it down."[1] He was ambitious, and delighted in the exercise of power. One of his first objects had been to "loosen the ties of party and break down the confederacy of the great Whig

[1] *Constitutional History of England* (1760—1860), by Sir Thomas Erskine May (Lord Farnborough).

families." His Ministers found themselves opposed and thwarted by an "influence behind the throne," and for a time this unconstitutional policy prospered. But the worst feature of a policy thus begun is that it must be maintained by an increasing severity towards opponents, or it must collapse at once. The arbitrary conduct of the King and Lord Bute was bound to lead to a reaction sooner or later, and it resulted here even earlier than was expected. Bute's unconstitutional dismissal of placemen for their votes in Parliament, and his oppressive measures generally, soon made him the most unpopular man in the kingdom. He was hissed and pelted at the opening of Parliament in November, 1762, and in various parts of the country was burnt in effigy, with humiliating allusions to his supposed intimate relations with the Dowager Princess of Wales. Bute was not so bad a man as he has sometimes been represented, but his evil system of personal as opposed to constitutional government led even to his faults being exaggerated. Then, too, the people of England have always hated the very name of favourite.

Bute's great unpopularity.

Alarmed by the popular hostility, and fearful of damaging his master's cause by remaining longer in office, Bute suddenly resigned on April 7th, 1763. With him retired Dashwood and Fox, the latter being created Lord Holland. George Grenville became First Lord of the Treasury and Chancellor of the Exchequer, and Lords Halifax and Egremont Secretaries of State. But the ex-Premier still retained his influence. As Lord Chesterfield remarked, "the public still looked at Lord Bute through the curtain, which indeed was a very transparent one." Fox, who had incurred an unpopularity second only to that of Bute in intensity, now retired into private life. The three new principal Ministers—Grenville, Halifax, and Egremont—were known as the Triumvirate.

His resignation.

The two chief acts of the Grenville Ministry—both of which proved to be inglorious—were the expulsion of John Wilkes from the House of Commons and the

The Grenville Ministry.

CHAP. III. The Reign of George III.

Parliamentary taxation of the American colonies. The first of these now demands our attention. Wilkes, who was the son of Israel Wilkes, a rich distiller, was born on October 17th, 1727. He married early a rich heiress, whom he treated with great cruelty and neglect. He was of a very vicious disposition, and was one of the Medmenham band, and he became conspicuous for the brilliancy of his wit and his reckless debauchery. Strange that such a man should have been the central figure in one of the most important constitutional struggles ever witnessed in Parliament. After an unsuccessful attempt to enter the House of Commons for Berwick, he bought himself a seat at Aylesbury in 1757, and five years later started his periodical, the *North Briton*, with Churchill's help. By his constant attacks upon the Ministry, Wilkes fanned the popular indignation against Bute. At length, on April 23rd, 1763, appeared "Number 45," which severely attacked the royal speech at the close of the late session. Grenville caused Wilkes to be arrested on a general warrant—that is, a warrant in which no name is inserted, but under which the officers may arrest whom they suspect. After being examined before Lords Halifax and Egremont (the Secretaries of State), he was committed to the Tower. Moving for a writ of habeas corpus, however, he was taken before Chief Justice Pratt, who ordered his release in virtue of his privilege as a member of Parliament. Upon this he retired to Paris for a time.

John Wilkes.

His arrest and release.

Further prosecution.

When Parliament met in November, Lord Sandwich drew the attention of the peers to Wilkes's scandalous and obscene *Essay on Woman*. To this parody of Pope's *Essay on Man*, which Wilkes attributed to Lord Sandwich himself, some burlesque notes were appended in the name of that unfortunate commentator Warburton, Bishop of Gloucester. Offensive passages were read, until Lord Lyttelton, with a groan, implored that they might hear no more ; and Bishop Warburton exclaimed that the blackest fiends in hell would disdain to keep company with Wilkes, and then asked pardon of

KING GEORGE III.

Satan for comparing them together! On the motion of Sandwich—who, singularly enough, had been a partner in nearly all Wilkes's vices—the Lords ordered a prosecution of Wilkes. When Pitt was told that the Government had been ransacking Wilkes's desk in search of libels, he indignantly replied, "Why do they not search the Bishop of Gloucester's study for heresy?"

Wilkes expelled the House.

In the Commons Grenville acquainted the House with the imprisonment of one of their members during the recess, whereupon Wilkes stood up in his place and complained of that imprisonment as a breach of privilege. The deposition of two printers was read confessing Wilkes to be the author of the famous "Number 45"; and Lord North and the Attorney-General pressed for vigorous measures. Pitt, while acknowledging the guilt of the libel and the libeller, desired to distinguish between the criminal act and the illegal prosecution. But a resolution was passed declaring "Number 45" to be "a false, scandalous, and seditious libel," and it was ordered to be burnt by the common hangman. A further resolution declared that privilege of Parliament did not extend to the case of writing and publishing seditious libels. Wilkes was ordered to attend in his place, but he had been sorely wounded in a duel, and wrote from Paris that he could not attend, enclosing medical certificates. However, the matter was pressed to an issue in his absence, and after stormy debates and divisions on collateral points, he was expelled the House by a unanimous vote. Wilkes brought an action for damages against the Under-Secretary of State for illegal imprisonment, and obtained a verdict for £1,000; but with regard to the prosecution of Wilkes for his *Essay on Woman*, the defendant chose to absent himself from England, knowing that the judgment of the Court of King's Bench would be against him. He was accordingly tried and outlawed in his absence, and he now remained abroad for four years. Great riots ensued in favour of Wilkes, who was regarded as a persecuted

CHAP. III. The Reign of George III.

man. The next act in the Wilkes drama will shortly be described.

A treatise on prerogative.

The discussions on Wilkes's case had scarcely ended, when Lord Lyttelton drew the attention of the peers to a treatise entitled *Droit le Roi*, which in spirit was at the opposite pole to Wilkes's writings. It was a high prerogative treatise, upholding the Divine right of the sovereign, and its arguments were too monstrous to be defended by any one. It was accordingly ordered by both Houses to be burned by the hands of the common hangman.

Ministerial changes.

Important changes occurred in the Ministry in September. On the death of Lord Egremont in August, overtures had been made to Pitt by the King, but these fell through. The Duke of Bedford was now consulted, and after considerable pressure he consented to take office as President of the Council, and Lord Sandwich was appointed Secretary of State. Upon this coalition between Grenville and Bedford the Government became known as the Bedford-Grenville Ministry.

General warrants.

A spirited debate took place in the Commons on the subject of general warrants. To say the least, these warrants were of questionable legality ; and, in the case of Wilkes, Chief Justice Pratt had distinctly pronounced this form of warrant to be illegal. Pitt now took this view, but justified the general warrants issued by his own administration on the ground of national necessity in time of war. Charles Townshend eloquently condemned the warrants, as did Colonel Barré, who had just been dismissed from his military posts for his independent votes in Parliament. The Government managed to defeat the resolution declaring general warrants illegal, but only by a majority of fourteen.

The American Colonies.

In 1764 the Government initiated a disastrous policy towards the American colonies, which ultimately resulted in the loss of the colonies to Great Britain. There had been friction on questions of trade before this, and the navigation laws also pressed heavily upon the Americans, but it was the attempt to tax America without her own

LETTER FROM JOHN WILKES, WRITTEN IN 1764, ABOUT HIS CONDUCT IN PARLIAMENT

Paris, Rue St Nicaise
April 25. 1764.

Dear Sir,

I believe there is not a man in France, who knows less of our Wilkes's proceedings in the Courts of Law than I do; but at the same time I am sure there is not a man in England, who has the cause of liberty more at heart than I have, and is more anxious for his success, being persuaded that he is struggling for the noblest and most important stake in the world, the natural rights of this country. I find by yesterday's post that the Session of Parliament is at an end, and therefore I now write to desire you to go on with the utmost expedition in all those causes, which were suspended by the Privilege of either house. I am most impatient to know the state of all my law causes, and I desire you by the return of the post to let me know what future steps you mean to pursue, and what is to be done relative to the alteration of the record, &c. Our Votes will tell you how to direct to me, in a way safe and speedy, which will give you an opportunity of being explicit. I have experienced beyond any man of my age, the perfidy of some, and the neglect of others, but I thank heaven that I have never lost sight of the great object, and after the valuable sacrifices I have made, I trust that my fortitude and resolution will hold out in the smaller trials I am to meet with.

My compliments attend your Brother, the worthy Serjeant, &c. I am, Dear Sir, your most humble Servant, John Wilkes.

consent which led first to estrangement and finally to separation. An idea which Walpole had rejected as dangerous was taken up by Grenville. The latter statesman thought that North America ought to bear a portion of the burden of the late war ; and so, without consulting the wishes of the colonists or considering the spirit of the statute book, in the session of 1764 he imposed customs duties on several articles of American trade. He likewise gave notice of the imposition of the stamp duties, but postponed the introduction of the measure for a year. However, early in the session of 1765 he brought forward the bill known as the Stamp Act, by which nearly the same duties were laid on America as were already established in England. The total amount to be obtained was small—less than £100,000 a year—and the King could have obtained far more by appealing for voluntary grants. But the colonists refused to be coerced, and took their stand on the broad principle that, as men of British blood and with British rights, they were not liable to be taxed by the House of Commons unless they were represented in that body. The bill imposing the stamp duties passed through Parliament with little difficulty.

Customs duties imposed.

The Stamp Act.

The colonists, however, resisted the Act, and tumults occurred at Boston and elsewhere. The discontent became so universal that it was the all-absorbing topic in the House of Commons when Parliament met in January, 1766. One of the most striking and memorable debates in our legislative history immediately ensued. Pitt, who had been absent from illness when the bill was passed, now delivered a powerful speech against it. He contended that taxation without representation was illegal, and America had no kind of representation in that House. Grenville, in answering Pitt, said that America was almost in open rebellion, and he attributed the seditious spirit of the colonies to the factions in Parliament. Upon this Pitt sprang up again, and poured forth a rushing torrent of eloquence. "Sir!" he exclaimed in one passage, "I rejoice that America has

Riots in America.

Great speech by Pitt.

CHAP. III. The Reign of George III.

resisted. Three millions of people so dead to all the feelings of liberty as voluntarily to submit to be slaves would have been fit instruments to make slaves of all the rest. I come not here armed at all points with law cases and acts of Parliament, with the statute book doubled down in dog's ears, to defend the cause of liberty. If I had, I myself would have cited the two cases of Chester and Durham. I would have cited them to show that even under arbitrary reigns Parliaments were ashamed of taxing a people without their consent, and allowed them representatives." The orator continued, "I know the valour of your troops. I know the skill of your officers. In a good cause on a sound bottom the force of this country can crush America to atoms, but in such a cause as this your success would be hazardous. America, if she fell, would fall like the strong man. She would embrace the pillars of the State and pull down the Constitution along with her! Is this your boasted peace — not to sheathe the sword in its scabbard, but to sheathe it in the bowels of your countrymen?" After stigmatising the Stamp Act as a paltry mark of the narrow genius of the Minister who brought it forward, he called for its total and immediate repeal. At the same time he would maintain the absolute right of England to make laws for the colonies. Acting upon the suggestion of Pitt, Ministers brought in two bills: one to repeal the Stamp Act, the other asserting the supreme power of Parliament over the colonies. After exciting debates these measures were carried, as was also a further bill repealing several of the obnoxious duties imposed in 1764 and modifying others. An act was passed on behalf of the Spitalfields weavers restraining the import of foreign silks.

The Stamp Act repealed.

The Regency Act.

Reverting now to Ministerial questions, upon the recovery of George III. from the first symptoms of his mental malady in 1765, it was found desirable to introduce a Regency Bill. The King desired to have the power of appointing any person he pleased as regent, intending, no doubt, to appoint the Queen; but Ministers were fearful

lest the Dowager Princess of Wales should be nominated, and her favourite Bute thus become all-powerful. The doubt whether the Queen was naturalised was set at rest in the affirmative by the judges, but on the meaning of the term "royal family" being discussed Ministers held that it did not include the Princess of Wales. Her name was rejected by the Lords, and the King was persuaded to consent to the introduction of a clause limiting his choice to the Queen and the descendants of the late King, on the ground that otherwise the Commons would exclude the Princess by name. The Commons, however, by an overwhelming majority, reinstated her name. The King was deeply incensed against Grenville on account of this duplicity, and the incident was one of the main causes of the fall of the Bedford-Grenville Ministry. The Regency Act nominated a council of regency, consisting of the King's four brothers, his uncle the Duke of Cumberland, and the great officers of state; and the King was empowered, in the event of the death of a brother or of his uncle, to nominate another person in his place.

The Rockingham Ministry.

Having various causes of complaint against Grenville, in addition to the Regency Bill, the King appealed to Pitt. That statesman, however, would not form or join a Government without Lord Temple; and his lordship was now pledged to Grenville, with whom he had effected a reconciliation. The King was thus obliged to accept the Marquis of Rockingham, the head of the Whig aristocracy, as Premier, with General Conway as principal Secretary of State and leader of the House of Commons. The Duke of Grafton was the other Secretary, Dowdeswell Chancellor of the Exchequer, the Duke of Newcastle Privy Seal, and Henley, Earl of Northington, Lord Chancellor. Charles Townshend, Egmont, Howe, and others also had places in the Ministry.

The Cider Tax.

The Government repealed Lord Bute's unpopular cider tax, to the great delight of the cider counties, and in the same session of 1766 carried a resolution declaring general warrants to be contrary to law.

General warrants.

CHAP. III. The Reign of George III.

Edmund Burke.

This session was memorable in a personal sense, inasmuch as the House of Commons listened for the last time to the eloquence of Pitt and for the first time to that of Edmund Burke. This distinguished man was born at Dublin in 1728. He was educated at Trinity College, but proceeded to London to study law at the Middle Temple. This he abandoned for literature, and in 1756 he published *A Vindication of Natural Society*, and his famous *Philosophical Inquiry into the Origin of our Ideas on the Sublime and the Beautiful.* When the *Annual Register* began in 1759, Burke wrote for it a survey of the chief events of the year. In 1761 he went with "Single Speech" Hamilton to Ireland, but returned to London in 1765, when Rockingham, the new Premier, appointed him his secretary. In December, 1765, he was returned to Parliament for Wendover, through the influence of Lord Verney; and in the ensuing session he delivered his maiden speech. This speech, which was made during the debates on the American colonies, drew forth a warm compliment from Pitt. Burke was a fine and cultured orator, and his speeches as preserved far outshine in certain qualities all earlier or contemporaneous ones; yet to the end of his days he "never attained in any degree that mastery over the House of Commons which his great genius fully warranted." [1]

Grafton and Chatham Ministry.

The Rockingham Ministry was inherently weak; and it fell in July, 1766. The King once more applied to Pitt, and this time with success. But the Duke of Grafton was made nominal Prime Minister, and Pitt, who now accepted a peerage, and became Earl of Chatham, directed the Cabinet as Lord Privy Seal. The Government, which was a strong one, also included Charles Townshend as Chancellor of the Exchequer, Northington as Lord President, Camden as Lord Chancellor, and Conway and Shelburne as Secretaries of State. "The great Commoner" lost much of his popularity in the country on taking an earldom. It was felt that he had been gained over

[1] Stanhope's *History of England.*

by the Court. He was compared with Pulteney; and while his enemies rejoiced, his friends were stupefied and confounded.

Order in Council.

Chatham began the work of government vigorously, and when tumults arose in September in consequence of the scarcity of corn, he issued his celebrated Order in Council laying an embargo upon corn, thus keeping in port several ships laden with grain or flour and preparing to sail. Such an order was unprecedented in time of peace. Although the times were critical, Chatham did not expedite the meeting of Parliament by a day; and when the Houses assembled in November, the Order in Council as well as the delay in calling Parliament together were warmly assailed. In his first speech in the Lords, Chatham defended the Order with eloquence and dignity, asserting the national necessity, while he remarked that he desired to avoid needless alarm by not altering the day for the meeting of Parliament. An Act of Indemnity to Ministers was passed, and Chatham had a sharp passage of arms with the Duke of Richmond, who had called him "an insolent Minister."

Illness of Chatham.

In the midst of party difficulties, and while conceiving great schemes in connection with the East India Company, Chatham was seized with a mysterious malady, and could take no part in public affairs. Grafton was now no longer nominal, but real, Premier, and his colleagues in the Commons became erratic in their action. Townshend, as Chancellor of the Exchequer, proposed the continuance of the land tax at four shillings; but the Opposition, by 206 to 188 votes, reduced it to three shillings, thus striking off £500,000 from the Ways and Means of the current year. On another occasion Townshend—of whom a member said, "He is the orator; the rest are speakers"—delivered a long and brilliant speech upon everything but the topic he was supposed to be dealing with—India—and his exordium was called the "champagne speech."

The Land Tax.

American customs duties.

A far more serious matter was the act which Townshend carried through for taxing American imports by various small customs duties, the total produce of which was

estimated at not more than £40,000. Had he been able, Chatham would have prevented such legislation, but in his absence Lord Camden and others could only protest. The State of New York having presumed to set aside the American Mutiny Act as fixed by Parliament, a measure was passed prohibiting the Legislature of New York from passing any other act for any purpose whatsoever until the terms of the Mutiny Act had been complied with; and this measure had the desired effect. An act was also passed maintaining the directors of the East India Company in their position for two years, on payment of £400,000 yearly towards the public service. Further acts limited the exorbitant dividends of the company, and curtailed the objectionable practice of creating fictitious votes at the India House.

The Mutiny Act.

The East India Company.

Death of Townshend.

Townshend did not live to see the disastrous effects of his American taxation scheme, for he died of a fever on September 4th, 1767. This statesman possessed talents equal to those of any man of his age, but his faults—especially his vanity—were equally great, and prevented him from taking that commanding position which he might otherwise have claimed.

Lord North.

Lord North was appointed Chancellor of the Exchequer in Townshend's room, and other party combinations ensued in consequence of the retirement of Lord Northington and General Conway. Lord North was the eldest son of the first Earl of Guilford. He entered Parliament in 1754 as member for Banbury, and in 1759 was named a Lord of the Treasury. In 1766 he was made joint Paymaster of the Forces with George Cooke, which drew from Burke the remark about official persons "pigging together, head and points, in the same truckle-bed," who had never hitherto spoken to each other.

Nullum Tempus Act.

In the session of 1767-8—the last session of the existing Parliament—Sir George Savile, one of the representatives for Yorkshire, and a conspicuous member of the Opposition, carried through a measure commonly known as the Nullum Tempus Act. Its object was to secure the property of a subject at any time after sixty years' pos-

session from any dormant pretension of the Crown. This bill took its rise from certain transactions in Cumberland and Westmoreland. The Portland family enjoyed the Honour of Penrith by a grant from William III., and they had also possessed for nearly seventy years the adjoining forest of Inglewood. But Sir James Lowther, a wealthy landowner and son-in-law of the Earl of Bute, acting on the ancient legal maxim that the rights of Crown and Church are not lost by any lapse of time, obtained a lease of the King's interest in the forest of Inglewood. This drew forth such a storm of popular indignation that the Government were unable to resist the passing of Savile's bill.

Bribery extraordinary.

Parliament was dissolved on March 11th, 1768, and the general election which ensued was one of the most corrupt in our annals. The buying and selling of seats was most open and notorious. Before the dissolution the Corporation of Oxford offered again to return their members, Sir Thomas Stapylton and Mr. Lee, on payment of the city bond debts, amounting to £5,670. The members laid the case before the House, and the mayor and aldermen were committed to Newgate for five days, being afterwards severely reprimanded by the Speaker at the bar and on their knees. But so unblushingly was the practice of bribery carried on that during their imprisonment these very offenders entered into negotiations for the sale of their borough to the Duke of Marlborough and the Earl of Abingdon. Lord Chesterfield offered £2,500 for a secure seat for his son, but was laughed at, the price of boroughs having gone up to £4,000 or £5,000, in consequence of the determination of rich East and West Indians to enter Parliament. The celebrated George Selwyn sold his borough of Ludgershall to two candidates for £9,000. It is said that a contested election for the borough of Northampton and a petition which followed, cost Earl Spencer no less than £70,000. Some boroughs commissioned attorneys to ply about the country as jobbers. Shoreham earned an unenviable reputation for venality. A number of men profanely calling themselves

the "Christian Club"—because they divided the sale money in common—became too open and gross in their proceedings for the House of Commons to pass them over. The first election committee appointed under Grenville's Act inquired into the case, and five persons were prosecuted for a corrupt conspiracy. An Act of Parliament was passed depriving all the members of the Christian Club of their votes, and the franchise was granted to all the forty-shilling freeholders of the Rape of Bramber.[1]

Dunning.

To this new Parliament of 1768 two remarkable men were returned. The first of these, John Dunning, far surpassed in ability every other accession to the House of Commons at this time. Born of humble parentage at Ashburton in 1731, he was called to the bar in 1756, and speedily distanced all his competitors. In January, 1768, he was appointed Solicitor-General, and in the following March was returned for Calne, through the influence of Lord Shelburne. Although he laboured under many disadvantages as an orator, he created a great impression by his wit, his invective, and his powers of reasoning. Chatham and other excellent judges discerned in him at once a new force in politics.

Wilkes.

The other remarkable man returned at this election was not so able as Dunning, but his name was already in all men's mouths, and he was destined to be the main subject of contention in the House of Commons for many sessions. This was the popular demagogue John Wilkes, whose previous Parliamentary career has already been described. Proscribed as an outlaw, he had returned to England, and offered himself as a candidate for the city of London. He was rejected, but immediately appeared as a candidate for Middlesex, and was returned by a large majority. Although he had no other claims, his wrongs made him the idol of the people, and the cry of "Wilkes and liberty!" was everywhere heard, while London was

[1] *Parliamentary History*, Walpole's *Memoirs*, *Cavendish Debates*, and the House of Commons' *Journals*.

illuminated in his honour. His outlawry was reversed by the Court of King's Bench, but on the original charge Wilkes was ordered to pay a fine of £1,000 and to be imprisoned for twenty-two calendar months. Riots and disturbances in his favour now occurred. In November, 1768, Wilkes addressed a petition to the House of Commons, in which he claimed his privilege against further imprisonment, but this was disallowed. He next severely attacked Lord Weymouth, one of the Secretaries of State, for his advice to the Surrey magistrates to call in the military in the suppression of riots; and his letter was voted an insolent, scandalous, and seditious libel. Wilkes might have been proceeded against by the Lords; but, instead of this, the House of Commons foolishly rushed into the fray, and resolutions for his expulsion were moved, framed upon his various offences in the past as well as his last seditious libel.

His struggle with the House.

All his offences except one Wilkes was already expiating, and with regard to that one—the libel on Lord Weymouth—he could have been prosecuted for it in the courts of law. The House was evidently straining its authority in proposing his expulsion for the old offences, and many of the best constitutional authorities perceived the mistake and condemned it. Burke, Beckford, Dowdeswell, and George Grenville were unanimous on this point; and Grenville, who had been the first Minister to bring the House of Commons into collision with Wilkes, now saw the futility of the impending struggle. He demonstrated the injustice of the proposed punishment, as well as its impolicy and danger. He predicted that Wilkes would be re-elected, and that the House would have but two alternatives, both objectionable: either to expel him again, and suspend the issue of the writ for the entire Parliament; or to declare another candidate, with a minority of votes, to be elected, on the ground of Wilkes's legal disqualification. In both cases the law would be violated, and the rights of the electors invaded. He warned the House of the dangerous contest upon which it was entering, and prophesied that if the popular

demagogue were relieved from his martyrdom and admitted to the Legislature, his power would be diminished, and his true character revealed. These views were speedily justified by the course of events.

Expulsion and re-election.

The Court party were determined to crush an opponent who had defied and insulted them, and Wilkes was expelled by a large majority. He was immediately re-elected for Middlesex, but on the next day (February 17th) the House resolved, by 235 to 89, "That Mr. Wilkes, having been in this session of Parliament expelled the House, was, and is, incapable of being elected a member to serve in this present Parliament." The election was declared void, and a new writ issued. Wilkes was again re-elected without opposition, and again a new writ was issued. But on this occasion he was opposed by Colonel Luttrell. On April 13th Wilkes was elected for Middlesex for the fourth time, the numbers being 1,143 for Wilkes and 296 for Luttrell. There were two other candidates, Mr. Serjeant Whitaker and Mr. Roache, the former of whom received five votes and the latter none. The Commons pronounced the return of Wilkes to be null and void, and having called for the poll-books, seated Luttrell as the member by 197 to 143 votes. Leave was given to petition the House against Colonel Luttrell's return, and the electors speedily availed themselves of the permission. They were heard by counsel at the bar of the House, and their demands were ably supported by Wedderburn, Burke, and Grenville; but Colonel Luttrell's election was confirmed by a majority of 69.

Debates in Parliament.

Wilkes, whose popularity had now increased, was elected an alderman of the city of London, and a subscription was raised to pay his debts. The excluded member proceeded to make strenuous efforts to procure a reversal of the proceedings against him. On January 9th, 1770, Lord Chatham moved an amendment to the Address in the Lords denouncing the late proceedings in the House of Commons as "refusing, by a resolution of one branch of the Legislature, to the subject his common right, and depriving the electors of Middlesex of their

free choice of a representative." Camden, the Lord Chancellor, denounced the arbitrary measures of the Government, and affirmed that the incapacitating vote was "a direct attack upon the first principles of the Constitution." Lord Mansfield, however, argued that in matters of election the Commons had a complete jurisdiction, without appeal; and that, except in discussing a bill, the Lords could not inquire into the question without violating the privileges of the other House. Chatham replied with fire and energy. "What is this mysterious power," he asked, "undefined by law, unknown to the subject, which we must not approach without awe nor speak of without reverence, which no man may question, and to which all men must submit? My lords, I thought the slavish doctrine of passive obedience had long since been exploded; and when our kings were obliged to confess that their title to the crown and the rule of their government had no other foundation than the known laws of the land, I never expected to hear a Divine right or a Divine infallibility attributed to any other branch of the Legislature." The Commons had betrayed their constituents and violated the Constitution by uniting in the same persons the office of legislator and of judge. Chatham's amendment was negatived, but the support of the first statesman of the age gave weight to Wilkes's cause.

Speech by Chatham.

In the Commons Sir George Savile spoke so warmly that he was threatened with the Tower; but he repeated his language, and said he should never rest until the fatal vote was rescinded. Dunning, the Solicitor-General, also spoke and voted against the Government. On January 25th Mr. Dowdeswell moved "That this House, in its judicature in matters of election, is bound to judge according to the law of the land and the known and established law and custom of Parliament, which is part thereof." This motion embarrassed the Government; but Lord North cleverly rendered it innocuous by adding the conclusion, "and that the judgment of this House was agreeable to the said law of the land and fully authorised

Motions in the Commons.

CHAP. III. The Reign of George III.

by the law and custom of Parliament." Some days later Mr. Dowdeswell again unsuccessfully raised the question.

Renewed discussions.

In the Upper House, on February 2nd, Lord Rockingham moved a resolution similar to that of Mr. Dowdeswell. It was rejected, but it had the powerful support of Chatham, and was followed by a protest signed by forty-two peers. A resolution was then carried, on the motion of Lord Marchmont, that to impeach a judgment of the House of Commons would be a breach of the constitutional right of that House. The next effort originated in the Commons, when Mr. Herbert moved to introduce a bill regulating the consequences of the expulsion of members. The bill was so altered, however, that it was withdrawn. The city of London now voted an address to the King, in which it was remarked, "The majority of the House of Commons have deprived your people of their dearest rights. They have done a deed more ruinous in its consequences than the levying of ship-money by Charles I. or the dispensing power assumed by James II." The petitioners prayed his Majesty to dissolve Parliament, and to remove his evil Ministers for ever from his councils. In his reply the King stigmatised the address as "disrespectful to himself, injurious to Parliament, and irreconcilable with the principles of the Constitution." A joint address of both Houses to his Majesty rebuked the City for its action. Lord Chatham condemned the King's answer, and defended the right to petition; but his motion for the dissolution of Parliament was rejected. He next brought in a bill to reverse the judgment of the Commons as arbitrary and illegal, but it was lost by a large majority. In the following December he brought forward another unsuccessful resolution. On April 30th, 1771, the Duke of Richmond, in the House of Lords, moved to expunge from the journals of the House the resolution of February 2nd, 1770, in which they had deprecated any interference with the jurisdiction of the Commons as unconstitutional. If such a resolution were permitted to remain on record, he

urged that the Commons might alter the whole law of elections and change the franchise by an arbitrary declaration, while the Lords would be powerless to interfere. The question was negatived. Chatham made another vain attempt to force a dissolution. In the Lower House, in the sessions of 1772 and 1773, Sir G. Savile sought to bring in a bill to secure the rights of electors. On the latter occasion he found 150 supporters, and Burke predicted that "there would come a time when those now in office would be reduced to their penitentials for having turned a deaf ear to the voice of the people." In 1774 Sir G. Savile again failed to bring in his bill.

Wilkes at length triumphs.

Parliament was dissolved in 1774, and Wilkes was once more returned for Middlesex. As he was only incapacitated from sitting in the late Parliament, he now took his seat without molestation. He had this year also been elected Lord Mayor of London. On February 22nd, 1775, Wilkes moved that the resolution by which the House of Commons had declared his incapacity be expunged from the journals, "as subversive of the rights of the whole body of electors." He was supported by Glynn, Savile, and Wedderburn, and secured 171 votes. He renewed his motion in 1776, 1777, 1779, and 1781. At last, on May 3rd, 1782, he succeeded in his object. Wilkes's motion was carried by 115 to 47 votes; and, by order of the House, all the declarations, orders, and resolutions respecting the Middlesex election were expunged from the journals, as being subversive of the rights of the whole body of electors of the kingdom. After a prolonged struggle the House of Commons thus confessed that it had exceeded its powers.

Rights of electors established.

Privilege.

Collaterally with this dispute as to the rights of electors, Wilkes waged another constitutional battle with the Commons. It arose out of the privileges of Parliament with respect to the exclusion of strangers, and restraint upon the publication of debates. The Parliament of 1768-74 was usually called the unreported Parliament, because of the rigorous exclusion of strangers. The Lords had first taken this stand, and excluded even

Publication of debates.

members of the House of Commons, whereupon the latter retaliated by the exclusion of peers from their own House, and this of course involved the exclusion of the public. The open attempt to muzzle the press began on February 8th, 1771, when Colonel George Onslow made a complaint of the *Gazetteer and New Daily Advertiser*, printed for R. Thompson, and of the *Middlesex Journal*, printed by R. Wheble, "as misrepresenting the speeches and reflecting on several of the members of this House." The printers were directed to attend, but, as they kept out of the way, they were ordered to be taken into custody. Meantime Colonel Onslow made complaints against six other newspapers, including the *St. James's Chronicle*. This attack upon the printers was strongly resisted by a determined minority, who by the use of various Parliamentary forms forced no less than twenty-three divisions—a number unprecedented. Some of the printers attended the House, and were reprimanded on their knees. But Wheble, who was still at large, was collusively apprehended and taken before Alderman Wilkes, who had encouraged the printers to resist the authority of the House. Wheble was discharged, and bound over to prosecute the person who apprehended him for assault and false imprisonment. Wilkes next wrote a letter to Lord Halifax, Secretary of State, acquainting him that Wheble had been apprehended by a person who was neither a constable nor peace officer of the City, and for no legal offence.

The Commons and the City.

Miller, another of the printers, took his stand upon his rights as a liveryman of London. The Serjeant-at-Arms sent a messenger to arrest him, but the messenger himself was taken by a City constable and carried before Brass Crosby, the Lord Mayor. His lordship, supported by Aldermen Oliver and Wilkes, declared that to lay hands upon a citizen within the precincts of the City, and without the knowledge or authority of the City magistrates, was a flagrant violation of the City's charters. The magistrates therefore not only refused to give up Miller, but held the messenger to bail for an assault—

RIVER FRONT OF THE OLD HOUSE OF PEERS.

that is, the attempted arrest. On learning this, the House of Commons was moved to indignation. The Lord Mayor and Alderman Oliver, who were members, were ordered to attend in their places, and Alderman Wilkes to appear at the bar. Wilkes replied that he was the lawfully elected representative of Middlesex, and he refused to appear unless as a member in his place. Three times he defied the House, and the order for his attendance was at length allowed to drop. Alderman Oliver, standing up in his place, said, "Do what you please; I defy you"; and he was committed to the Tower. Two days later it was proposed to commit Lord Mayor Crosby to the milder custody of the Serjeant-at-Arms, but he declined any such favour, stating that what he had done he should certainly do again under similar circumstances, and he also was sent to the Tower. The popular feeling was all in favour of the aldermen, and riots and tumults ensued. The Court of Common Council approved the action of the aldermen, and, at the charge of the City, writs of habeas corpus were sued, but Lord Mansfield and Lord Chief Justice De Grey held that they were bound to acknowledge the power of commitment by the House of Commons, and the prisoners were sent back to the Tower. On the expiration of the session—May 8th, 1771—the Lord Mayor and Alderman Oliver were released, amid general rejoicings. The House of Commons wisely forbore to renew the conflict in the following session, and neither Miller nor any other printer of their debates was again molested on the general plea of privilege. The freedom of the press was practically established from this time, and the wider that freedom has grown the more beneficial on the whole has been its action.

Lord Mayor Crosby committed.

Freedom of the press secured.

While these important matters were being discussed, various Ministerial changes had occurred. In October, 1768, Lord Chatham left the Government on grounds of general ill-health. The Duke of Grafton proposed at a Cabinet Council, held on May 1st, 1769, that Ministers should bring in a bill for the complete repeal of the import duties laid upon America, but he was defeated

Ministerial difficulties.

by one vote. If Chatham had remained in the Cabinet, the separation from America might possibly have been averted. Camden, too, had ceased to attend the Cabinet Councils because of the American question and Wilkes's affair. The Chancellor resigned in January, 1770, and the Great Seal was given to Charles Yorke, who was to be raised to the peerage under the title of Lord Morden. But three days after his appointment as Chancellor, Yorke died from injuries which were believed to be self-inflicted. About the same time the Speaker, Sir John Cust, died, and Sir Fletcher Norton was elected in his room.

Lord North becomes Premier.

The Duke of Grafton, unable any longer to grapple with his difficulties or to face the vehement attacks of Lord Chatham, resigned the premiership. As Lord Chatham was not able to come to an understanding with the Bedford section of the Whigs, the King gave the seals to Lord North, who now formed an administration that was to last for many years, and one that was to prove very inglorious for Great Britain touching the Government's American policy. The Ministry included Lord North as First Lord of the Treasury and Chancellor of the Exchequer; Earl Gower as Lord President; the Earl of Halifax as Privy Seal; and Lords Sandwich, Rochford, and Hillsborough as Secretaries of State. Hawke was at the Admiralty, Barrington was Secretary-at-War, and Rigby Paymaster. In 1771 Sandwich became First Lord of the Admiralty, and Grafton became Privy Seal. In 1778 Jenkinson joined the Government as Secretary-at-War. The new Prime Minister once boasted that there was not a single popular measure he had ever voted for. It was the evil of the new administration that its chief was thoroughly under the influence and direction of the King. But that he had gifts of character and even of intellect is proved from the long contest which he waged with the foremost orators of the time. He was unwieldy and ungraceful in person, and an opponent once spoke of him as "that thing called a Minister." North, who, with all his faults, was high-minded, good-humoured, and genial, replied that when he

Character of Lord North.

was called "a thing" it was perfectly true; but when his antagonist added, "that thing called a Minister," he simply called him that thing which of all things he himself wished most to be, and therefore he took it as a compliment. Chatham attacked North as being under the domination of Bute, and condemned the secret influence that was behind all public measures. "A long train of these practices," said the Earl, "has at length unwillingly convinced me that there is something behind the throne greater than the throne itself!"

The Grenville Act.

In the session of 1770 George Grenville introduced and carried the well-known Grenville Act, regulating the trial of controverted elections. It provided for the election of a committee, by a mixed system of ballot and selection, for the adjudication of election petitions. The committee was to consist of thirteen members, instead of being, as before, a committee of the whole House. The Act effected a considerable improvement in the practice of the House, but it still left election questions within the area of party politics, and, by allowing either party to strike out a certain number of the names chosen by ballot, committed the decision of these cases to the weakest men of both sides. The Act was first passed for one year only, but it was continued from time to time, and made perpetual in 1774.

The American import duties.

The Government brought forward a measure in the same session for repealing all the American import duties except the tax upon tea. Burke, Barré, Conway, and the Opposition generally urged the repeal of the entire Act of 1767, but Ministers carried their scheme of partial repeal by 204 to 142 votes. In the autumn of 1770 the Government were freed, by the hand of death, from two of their most formidable adversaries: Lord Granby and George Grenville. Although the latter was the author of the Stamp Act, his last public utterance was to the effect that nothing would ever induce him to tax America again but the united consent of King, Lords, and Commons, supported by the united voice of the people of England.

CHAP. III. The Reign of George III.

Chatham on Parliamentary Reform.

In a speech delivered in 1770 Chatham gave utterance to his views on Parliamentary reform. Four years before he had described the borough representation as "the rotten part of our constitution," and affirmed that "it cannot continue a century. If it does not drop, it must be amputated." Now he suggested that a third member should be added to every county, "in order to counterbalance the weight of corrupt and venal boroughs." He predicted that before the end of the century "either the Parliament will reform itself from within, or be reformed with a vengeance from without." In 1771 Chatham, "with the most deliberate and solemn conviction, declared himself a convert to triennial Parliaments."

"*Junius.*"

A prosecution was instituted in connection with the celebrated letters of "Junius" in 1770. The first of the letters bearing that signature appeared in the *Public Advertiser* (published by Woodfall) on January 21st, 1769. They were then continued at intervals, the author making scathing and brilliant attacks on the Duke of Grafton, Lord North, Lord Granby, and the Duke of Bedford. On December 19th, 1769, was published the famous letter to the King, and it was for this that the printers and publishers were tried in the following year. Lord Mansfield laid it down on this occasion that the jury had not the right to decide whether the publication was libellous, but only whether it had been published. The accused were found "guilty of publishing only," which was tantamount to an acquittal. The letters of "Junius," which now began furiously to assail Lord Mansfield, were continued until January 21st, 1772. The identity of "Junius" has never been revealed, but the writer must have been intimately acquainted with Parliamentary measures and the leading statesmen of the day. Burke, Gibbon, Temple, and many others have had the authorship assigned to them, but the strongest weight of evidence has always pointed towards Sir Philip Francis. Whoever this political writer was, he managed to agitate Parliamentary and official circles more than any other anonymous polemic before or since his time.

The Royal Marriage Bill was brought forward in the session of 1772. This measure allowed no descendants of George II. to make a legal marriage without the consent of the reigning sovereign unless they were twenty-five years of age, and had given twelve months' notice to the Privy Council, and the marriage had not been petitioned against by Parliament. Charles James Fox threw up his office of Junior Lord of the Admiralty in order to be at liberty to oppose this bill, and to propose—as he did unsuccessfully—the repeal of Lord Hardwicke's Act. The Royal Marriage Act having been carried, Fox rejoined the Government as a Junior Lord of the Treasury in 1773; but, as he showed a reckless impatience of control, he was removed from office in 1774 through the King's influence.

Royal Marriage Bill.

Lord North carried his Act for the regulation of India in 1773. This Act established a supreme court, with Elijah Impey as chief judge. It made the Governor of Bengal, Warren Hastings, Governor-General of India; or rather, to speak with strict accuracy, Hastings, who had been President of the Bengal Council, was made Governor-General of Bengal, with certain powers of control over the President and Council of each of the other provinces. The Act also contained various provisions concerning the tea trade, to which reference will shortly be made. The twenty-four directors of the East India Company elected by the proprietors of India stock were to appoint the Governor-General. Hastings was chosen, but the Regulation Act provided a new council of five, consisting of Barwell, Clavering, Monson, Francis, and the Governor-General; and three of these were greatly prejudiced against Hastings, who was thus frequently hampered in his action.

India Act.

Important events now began to follow each other in quick succession in the North American colonies. Early in 1774 the Assembly of Massachusetts met for the last time under the English Crown. It recommended a congress of the different colonies, and was dissolved by General Gage, the Governor. The petition of Massa-

America.

CHAP. III. The Reign of George III.

chusetts for the removal of its governor was rejected by the Government in London; and Benjamin Franklin, at that time agent in England for the Assembly of Massachusetts, was insulted by Wedderburn at a meeting of the Privy Council.

The Boston Port Bill.

The Boston Port Bill, one of the immediate causes of the American War of Independence, was brought forward in the House of Commons by Lord North on March 14th, 1774. This measure had its origin as follows: Lord North, in order to find a market for the accumulated stores of tea of the East India Company, had, by the Regulation of India Act, withdrawn the whole of the duty payable in England on any teas exported to America by the company. The teas, nevertheless, were still subject to a colonial tax of threepence per pound. On December 16th, 1773, the people of Boston proceeded to the wharf where three tea-ships lay, and threw their whole cargoes, valued at £18,000, into the water. Great indignation was excited in England, and it was resolved to make an example of the port. Accordingly the Boston Port Bill proposed to close the port from June 1st ensuing, but the King in Council was to have power to restore its privileges when peace and order had been established, and full compensation paid for the teas destroyed. Burke, Fox, and others spoke against the measure, but Parliament and the country were largely in favour of it. It was passed, together with the Massachusetts Government Act, which annulled the constitution of Massachusetts. These acts were viewed with great indignation by the colonists.

Congress at Philadelphia.

The congress of disaffected States met at Philadelphia in September, as arranged, and denied the right of Parliament to tax the colonies. It demanded the repeal of the recent acts against the colonists, and especially the coercive acts against Massachusetts, and passed resolutions for the suspension of trade with Great Britain until the various grievances had been redressed.

Canada.

While the Home Government did nothing to reconcile America, it acted differently towards Canada. By a con-

ciliatory policy generally, and the legal establishment of the Roman Catholic religion, it secured the loyalty of the Canadians.

Parliament and the Colonies.

At the general election in the autumn of 1774 the Government were victorious. But the city of London—a marked exception to the country at large—petitioned against the severe measures taken against the colonists. In the House of Lords, on January 20th, 1775, Chatham moved an address to the King praying that, in order to open a way towards allaying the ferments and softening the animosities in America, his Majesty would send orders to General Gage to remove his troops as soon as possible. The speaker was unusually eloquent and prophetic. "For myself," he said, "I must declare and avow that in all my reading of history—and it has been my favourite study; I have read Thucydides and admired the master States of the world—no nation or body of men can stand in preference to the General Congress at Philadelphia. All attempts to impose servitude on such men, to establish despotism over such a mighty continent, must be vain, must be fatal. We shall be forced ultimately to retract; let us retract while we can, not when we must. I say we must necessarily undo these violent and oppressive acts; they must be repealed; you will repeal them; I pledge myself for it that you will in the end repeal them. I stake my reputation on it. . . . If the Ministers thus persevere in misadvising and misleading the King, I will not say that they can alienate the affections of his subjects from his crown; but I will affirm that they will make the crown not worth his wearing. I will not say that the King is betrayed, but I will pronounce that the kingdom is undone." Chatham was supported by Shelburne and Camden, but in the division he only secured 16 votes to 68. Still, he proceeded to bring in a provisional bill for settling the troubles in America. This bill was received with such hostility by some members of the Government, and treated in such a vacillating spirit by others, that Chatham indignantly exclaimed, "Who can wonder that

Eloquent speeches by Chatham.

CHAP. III. The Reign of George III.

you should put a negative on any measure which must annihilate your power, deprive you of your emoluments, and at once reduce you to that state of insignificance for which God and nature designed you?" The bill witnessed an increased minority, but it was rejected by 61 to 32 votes. In the Commons, on March 22nd, Mr. Burke moved a series of conciliatory resolutions, omitting all mention of the congress, but declaring in general terms the propriety of repealing several of the recent acts, of appointing the judges during good behaviour, of improving the Admiralty courts, and of leaving to the provincial assemblies the right of taxation. In one beautiful passage of a very remarkable speech the orator foretold the future greatness of America. But his eloquence was in vain, for the resolutions were rejected by the large majority of 270 votes to 78.

War with America.

War was inevitable, and it began in April, 1775, with the indecisive battle of Lexington. The ultimate issues of the War of Independence are matters of general history. Suffice it to state here that July 4th, 1776, witnessed the Declaration of Independence by the United States. Congress met and declared the thirteen colonies free and independent States. After a struggle extending over six years, immortalised by the indomitable skill and energy of George Washington, England acknowledged the independence of the United States, and peace was signed between the two countries and between France and England at Versailles in January, 1783.

Ministerial changes.

In October, 1775, the Duke of Grafton, who had in vain urged upon Lord North the necessity of a reconciliation with America, resigned his post as Privy Seal. Lord Dartmouth surrendered the Colonial Secretaryship, and became Privy Seal; and Lord George Germaine (hitherto known as Sackville) became Secretary for the Colonies.

North's American policy.

In the ensuing December Lord North carried his American Prohibitory Act. By this measure the Boston Port Act and the two restraining acts of the last session were repealed, as being no longer applicable; but all trade and commerce with the thirteen insurgent colonies was

absolutely interdicted so long as their rebellion should continue. Other harsh provisions authorised the capture of American vessels or goods, making them the property of the captors; while the prisoners taken on such occasions might be pressed for sailors and sent to serve against their countrymen.

The Whigs disheartened.

The Whigs in the House of Commons so strongly disapproved of the Government's American policy—which they saw no prospect of modifying—that, without formally seceding, they ceased in 1776 to attend Parliament for a time.

Wilkes and Reform.

A comprehensive motion for Parliamentary reform was brought forward by Mr. Wilkes on March 21st, 1776. He moved for leave to bring in a bill to give additional members to the metropolis, and to Middlesex, Yorkshire, and other large counties; to disfranchise the rotten boroughs and add the electors to the county constituency; and, lastly, to enfranchise Manchester, Leeds, Sheffield, Birmingham, and other rich and populous trading towns. The scheme embraced all the leading principles of Parliamentary reform advocated during the ensuing fifty years, and which have since been adopted. Unfortunately the reformer was before his time, and his motion was negatived without a division.

The Civil List.

Later in the session Lord North was called upon to deal with the new debts which had accrued upon the Civil List—debts amounting to more than £600,000. Profusion and extortion were rife in many departments; yet the House of Commons not only agreed to discharge the arrears, but, to guard against such arrears for the future, granted the Crown a further yearly sum of £100,000. In the Lords, Chatham made another strenuous effort to close the war by moving an Address to the Crown, but his motion was lost by 76 to 26 votes, and the session closed without any hope of reconciliation between Great Britain and America.

Chatham on the War.

At the opening of the session of 1777 Chatham again returned to the charge, in a speech, said the Duke of Grafton, which appeared to him "to surpass all that we

have ever heard of the celebrated oratory of Greece or Rome." In answer to Lord Suffolk, who had defended the employment of Indian mercenaries, he said, "I call upon the spirit and humanity of my country to vindicate the national character; I invoke the genius of the Constitution. From the tapestry that adorns these walls, the immortal ancestor of this noble lord" (the Earl of Effingham) "frowns with indignation at the disgrace of his country. In vain he led your victorious fleet against the boasted Armada of Spain; in vain he defended and established the honour, the liberties, the religion, the Protestant religion, of this country against the arbitrary cruelties of Popery and the Inquisition—if these more than Popish cruelties and inquisitorial practices are let loose among us, to turn forth into our settlements, among our ancient connections, friends, and relations, the merciless cannibal thirsting for the blood of man, woman, and child!—to send forth the infidel savage—against whom? Your Protestant brethren, to lay waste their country, to desolate their dwellings, and extirpate their race and name!" In another passage he denounced the employment of foreign troops from Europe, and exclaimed, "My lords, you cannot conquer America. You may swell every expense and every effort still more extravagantly. . . . If I were an American, as I am an Englishman, while a foreign troop was landed in my country I would never lay down my arms—never, never, never!" But these impassioned expostulations fell upon deaf ears. Chatham's amendment to the Address was rejected by 97 to 28; and a similar amendment in the Commons, though supported by the fervent eloquence of Burke and Fox, was lost by 243 to 86.

Conciliatory measures.

Lord North, however, was soon to feel the necessity for some conciliatory measures, and on February 17th, 1778, he introduced two bills of this character. The first repealed expressly by name the tea duty in America, and renounced for the future the claim of Parliamentary taxation upon the colonies. The second bill enabled his Majesty to appoint commissioners with sufficient powers

LORD CHATHAM'S FATAL ILLNESS IN THE HOUSE OF LORDS.

to treat with the insurgent colonies. These measures passed, together with a third expressly repealing the Massachusetts Charter Act. But the olive branch was held out too late; the colonists were now bent on achieving absolute independence.

Death of Chatham.

In the midst of much confusion of parties, and of intense public feeling, a dramatic scene was witnessed on April 7th, 1778, in the House of Lords, when the Duke of Richmond brought forward a motion to recognise the independence of the United States. Chatham had always refused to allow America her independence, although he was in favour of conciliation, being convinced we could never conquer her. He now rose to speak, but it was in shreds only of unconnected eloquence, and with but fitful flashes of the old fire. After calling in God's name for either an honourable peace or active war against France or any assailant of the birthright of the British princes, he said, "My lords, any state is better than despair. Let us at least make one effort, and if we must fall, let us fall like men!" Then he sat down, but after the Duke of Richmond's reply rose again. He endeavoured to speak, but fell back in a swoon. He was removed to a neighbouring house, and the debate was adjourned. The illustrious sufferer was subsequently conveyed to Hayes, and expired there on May 11th, in his seventieth year. The epitaph on his monument in Westminster Abbey scarcely exaggerates when it affirms that during his administration Great Britain "was exalted to a height of prosperity and glory unknown to any former age."[1]

The Roman Catholics.

In the session of 1778 Sir George Savile, seconded by Dunning, brought in a bill to relieve the Roman Catholics from some of the penalties which had long pressed

[1] A Chatham Annuity Bill, providing for a perpetual pension of £4,000 per annum, was carried in the House of Commons without a dissentient voice, but opposed in the Lords by eleven peers, and formally protested against by four of these—viz., Lord Chancellor Bathurst, Archbishop Markham of York, the Duke of Chandos, and Lord Paget.

heavily upon them. This bill, which passed both Houses unanimously, removed the following disabilities: the perpetual imprisonment of priests for saying mass, the forfeiture of the estates of Roman Catholic heirs educated abroad to the next Protestant heir, and the prohibition to acquire land by purchase.

The Gordon riots.

Most persons thought these concessions would be welcomed by the people generally as an evidence of a more liberal religious spirit; but a hostile agitation was set on foot by a foolish young nobleman, Lord George Gordon (son of the Duke of Gordon). He and his fanatical ultra-Protestant associates prepared petitions against the Roman Catholics, to one of which a hundred and twenty thousand signatures were attached. The agitation, which began in Scotland, extended to London, and resulted in the most formidable rising of the eighteenth century. Gordon sought to intimidate Parliament by the personal attendance of the petitioners; the houses of those favourable to the Catholic concessions were attacked, and London was for a time under mob law. Riots and conflagrations resulted in the calling out of the military, and two hundred persons were shot dead, and many more severely wounded. The eccentric leader of the rising managed to escape; but in 1787 he was prosecuted for libel, and died in Newgate in 1793.

Dissenters' Relief Bill.

A serious grievance from which Protestant Dissenters had suffered since the passing of the Toleration Act was removed in the session of 1779. By a bill now carried through both Houses, schoolmasters and Dissenting ministers were relieved from subscription to any of the Thirty-nine Articles.

The Militia.

Spain having declared war against England, and the French and Spanish forces having besieged Gibraltar, Lord North's Government, in addition to an act for augmenting the Militia, proposed a still more stringent measure to suspend for six months all exemptions from impressment into the royal navy. The bill, in other words, gave the Government power to man the fleet from classes heretofore held free, as apprentices and fishermen.

Impressment in the navy.

Just as the House of Commons was rising at past midnight on June 23rd, 1779, Attorney-General Wedderburn brought in the bill. He could not disguise its arbitrary character, but the standing orders were suspended so as to allow it to be carried through all its stages. The Opposition were taken by surprise, and Sir George Savile said it was reducing the members to so many midnight conspirators. The measure was keenly contested in the Lords, but it became law.

Economical Reform.

Economical reform now began to attract great attention in England. Yorkshire sent up a monster petition in its favour, a step which is regarded "as the origin of the modern system of petitioning, by which public measures and matters of general policy have been pressed upon the attention of Parliament."[1] London, Westminster, and Middlesex held meetings in favour of retrenchment, and the whole country was stirred. The petitions presented to Parliament, besides praying for economic reforms, complained of the undue influence of the Crown and of the patronage and corruption by which it was maintained. On February 8th, 1780, the Earl of Shelburne moved in the Lords for an inquiry into the public expenditure, and Lord Rockingham stated that the whole system of executive government was dominated by the influence of the Crown. This very discussion was to afford a signal proof of the arbitrary power of the Crown, for Lords Carmarthen and Pembroke were dismissed from their lord-lieutenancies by the King for supporting Lord Shelburne's motion. Three days later Burke laid before the House of Commons his celebrated scheme of economical reform. He confessed that his main object was "the reduction of that corrupt influence which is itself the perennial spring of all prodigality and of all disorder; which oppresses us more than millions of debt; which takes away vigour from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our constitu-

Power of the Crown.

[1] Lord Farnborough's *Constitutional History.*

tion."[1] Burke proposed a considerable reduction of offices, a diminution of expenditure, and improved administration and accounts in the various departments of the State. He likewise recommended the consolidation of certain offices, the diminution of the pension list to £60,000 a year, and the payment of all pensions at the Exchequer. This comprehensive scheme was lost on its second reading by 233 to 190 votes. In consequence of his independent attitude upon colonial and economic questions, which gave umbrage to his constituents, Burke retired from the representation of Bristol, for which city he had sat since 1774. Through Lord Rockingham's influence, however, he secured a seat for Malton, in Yorkshire.

Dunning's motion.

The influence of the Crown was so strongly resented that on April 6th, 1780, Mr. Dunning brought forward a series of resolutions founded upon the numerous petitions which had recently been presented. The first of these resolutions, which forms an important landmark in political history, affirmed "That the influence of the Crown has increased, is increasing, and ought to be diminished." It was carried by 233 to 215 votes. A second resolution asserted the right of the House to correct abuses in the Civil List expenditure and every other branch of the public revenue; and a third affirmed "That it is the duty of this House to provide, as far as may be, an immediate and effectual redress of the abuses complained of in the petitions presented to this House." These resolutions were assented to without a division, and the whole were immediately reported and agreed to by the House. During the debate Sir Fletcher Norton, the Speaker, bore his personal testimony to the truth of the resolutions. The King was angry at the votes, which he rightly regarded as being levelled directly against himself.

Parliamentary Reform.

Parliamentary reform now demands attention. In the session of 1780 the Duke of Richmond brought forward

[1] *Parliamentary History*, vol. xxi.

a bill in the Lords for establishing annual Parliaments, universal suffrage, and equal electoral districts. This sweeping measure was rejected without a division.

William Pitt.

But a greater man than the Duke shortly afterwards took up the question. This was William Pitt, the worthy son of an illustrious father. Born on May 28th, 1759, the son of the first Earl of Chatham and Lady Hester Grenville, at fourteen years of age only he was sent up to Pembroke Hall, Cambridge, where he speedily developed precocious talents, alike in classics and mathematics. He was subsequently called to the bar, but in 1780 was returned to Parliament for Appleby. His maiden speech was one in favour of Burke's plan of economical reform; and though only twenty-one years of age, Burke proclaimed him to be one of the first men in Parliament. He was offered the Vice-Treasurership of Ireland by Lord Rockingham, but declined it, preferring to wait for something of more value.

His motions on Reform.

Pitt's first motion in favour of Parliamentary reform was made in 1782, when he severely analysed the state of the representation, pointing out, amongst other anomalies, that the Nabob of Arcot had seven or eight members in the House. He concluded by moving for a committee of inquiry, but the order of the day was carried by 161 to 141. His next resolutions were brought forward on May 7th, 1783, when he moved, first, that effectual measures ought to be taken for preventing bribery and expense at elections; secondly, that when the majority of voters for any borough should be convicted of corruption before an election committee the borough should be disfranchised, and the unbribed minority entitled to vote for the county; and, thirdly, that an addition should be made to the knights of the shire and members for the metropolis. On this occasion the majority against him was very large, the resolutions being negatived by 293 to 149. Pitt's third attempt to deal with the question was made soon after he came into office as Premier. On April 18th, 1785, he moved for leave to introduce a bill "to amend the representation of

CHAP. III. The Reign of George III.

the people of England in Parliament." He proposed that seventy-two members, then returned by thirty-six decayed boroughs, should be distributed among the counties and the metropolis, but he added the startling proviso that the condemned boroughs should not be disfranchised except with the consent of their proprietors, who were to receive compensation from the State amounting to £1,000,000. He next proposed to purchase the exclusive rights of ten corporations for the benefit of their fellow-citizens, and to obtain by the same means the surrender of the right of returning members from four small boroughs, whose members could be transferred to populous towns. Altogether a hundred seats were to be redistributed, while the enlargement of the county constituency was to be secured by the addition of copyholders to the freeholders. A total addition of ninety-nine thousand would by these proposals have been made to the electoral body. The compensation part of the scheme was its weak point: "such a sacrifice of principle to expediency" as buying rotten boroughs to secure purity "may have been necessary; but it did not save his scheme of reform from utter failure."[1] The bill was thrown out by 248 to 174 votes. This was Pitt's last effort in the cause of Parliamentary reform, and both he and the Whigs now allowed the question to sleep for a time.

Fall of Lord North.

Attempts to terminate the American War were made in 1781 and 1782, and these led to the resignation of Lord North. In the former year Fox brought forward a motion for arresting the war, which was lost by 172 to 99. Shortly afterwards Lord North issued a loan of £12,000,000 to defray the cost of the war, and by this loan supporters of the Ministry made large sums of money. On February 22nd, 1782, General Conway moved an address deprecating the continuance of the war, which was only lost by a majority of one. On the 27th he proposed a similar address, and notwithstanding

[1] Lord Farnborough's *Constitutional History*.

the Premier's plea for delay, it was agreed to without a division. The King's answer having been received, General Conway moved a further resolution that "the House will consider as enemies to the King and country all who shall advise or by any means attempt the further prosecution of offensive war for the purpose of reducing the revolted colonies to obedience by force." Lord North astonished the House by stating that he was prepared to give effect to its instructions; and Mr. Fox condemned the principle of a Minister remaining in office to carry out the policy of his opponents. General Conway's resolution was agreed to. Still Lord North remained in. On March 8th Lord John Cavendish only failed by ten votes to carry a resolution charging all the misfortunes of the war upon the incompetency of the Ministers. On the 15th Sir J. Rous's motion of want of confidence in the Government was only lost by nine; and another attack being planned for the 20th, Lord North announced his resignation. The Premier had for some years only remained in office at the urgent wish of the King. He had been for twelve years the head of a disastrous Ministry, but he was not fairly chargeable with all the errors of that Ministry.

Lord Rockingham Premier.

The Marquis of Rockingham now became Prime Minister, the King, much against his will, being compelled to accept the Whig chief. The new Premier insisted on a reversal of policy, his chief conditions being the concession of independence to America and the reduction of the influence of the Crown. Rockingham's second Ministry included Lord John Cavendish as Chancellor of the Exchequer, Camden as Lord President, Grafton as Lord Privy Seal, Thurlow as Lord Chancellor, and Shelburne and Fox as Secretaries of State. Minor posts were filled by Burke, Dunning, Keppel, and others.

The Civil List.

The new Government began well. It grappled first with the Civil List. An act was passed for its regulation by which many sinecure places were abolished, and restraints imposed upon the issue of secret service money. The pension list was diminished, and securities were

provided for a more effectual supervision of the royal expenditure. The Civil List was now divided into eight classes, and £72,000 was saved by the abolition of useless offices alone.

Electoral abuses.

Bills were next brought in excluding Government contractors from the House of Commons, and debarring revenue officers from voting at elections. By the former of these acts "the House of Commons was purged of a class of men who were bribed in a manner the most pernicious to the public interests, for they obtained contracts, not on account of skill and ability, but on account of the support which they could give the Government in Parliamentary conflict; and thus the Minister was frequently made to conspire with an unprincipled adventurer to defraud the public service."[1] By the other act a very injurious influence in borough elections was struck at. Lord Rockingham himself stated that there were seventy boroughs where the elections chiefly depended on the votes of revenue officers; and altogether no fewer than 11,500 officers of customs and excise were electors.

Shelburne succeeds Rockingham.

The Rockingham Ministry, which appeared to give assurance of strength and permanence, was very short-lived. The Premier died three months after accepting office, and on July 1st Lord Shelburne was commissioned to form a Cabinet. Fox declined to serve under Shelburne, and he, Burke, and Lord John Cavendish retired. William Pitt, who was little more than twenty-three years of age, became Chancellor of the Exchequer, and Thomas Townshend Secretary of State.

Work-houses.

An excellent domestic measure was passed in the session of 1782 called Gilbert's Workhouses Act. This act allowed parishes or unions where the act was adopted, by a vote of two-thirds of the owners and occupiers over £5 rateable value, to nominate three persons, of whom one was to be chosen by the justices to act as a

[1] *History of England during the Reign of George III.*, by the Right Hon. W. N. Massey, M.P.

paid guardian of the poor instead of the old overseers. The guardian was obliged to find work for any poor person willing and able to work who might apply to him, and to supplement his wages, if needful, out of the rates.

Treaty of Versailles.

The Treaty of Versailles, concluded in September, 1783, closed the war between England and France, Spain, and the United States. Great Britain fully acknowledged the independence of the United States ; and by other terms of the Treaty Pondicherry and Carical, with other possessions in Bengal, were given back to France, and Trincomalee to the Dutch. When the articles of peace were laid before Parliament, however, the discontented Whigs, led by Fox, entered into an unnatural coalition with Lord North, and severely attacked the Treaty. The Opposition declared that it beggared all former treaties in infamy and disgrace, and exposed to the whole world the dismemberment and division of the British empire. Pitt denounced these extravagant views, and defended the Peace with consummate skill and eloquence, but the Treaty was condemned by 224 to 208 votes. Thereupon Lord Shelburne tendered his resignation.

Coalition Ministry.

The King now applied to Pitt, but that far-seeing statesman perceived that the time was not yet ripe for his taking office at the head of an administration. To avoid Lord North's scheme of a Coalition Ministry, George III. held North and Fox at bay for a long period. At length, after England had been without a Government for thirty-seven days, the Coalition Ministry was completed on April 2nd, under the Duke of Portland. Lord North was Home Secretary, Lord John Cavendish Chancellor of the Exchequer, and Fox, whom the King especially hated and dreaded, was Foreign Secretary. Burke, Sheridan, and Charles Townshend also had places. It showed the unconstitutional spirit of the King when he told Lord Temple that to such a Ministry he never would give his confidence, and that he would take the first opportunity for dismissing them. That opportunity soon arose.

Fox's India Bill.

Fox brought forward his India Bill in the House of Commons. By this measure the authority of the company was to be transferred to seven commissioners, nominated by Parliament for four years, after which time they were to be named by the Crown. The management of commerce was to be in the hands of a committee of directors named by the proprietors. The bill passed the Commons, and instead of requiring its withdrawal or amendment, as he was entitled to do, the King authorised a campaign against it in the House of Lords. He made Lord Temple his mouthpiece, and wrote the following commission upon a card: "His Majesty allows Earl Temple to say that whoever voted for the India Bill was not only not his friend, but would be considered by him as an enemy; and if these words were not strong enough, Earl Temple might use whatever words he might deem stronger and more to the purpose." The King's conduct was compared with that of Charles I. in 1641, and the Dukes of Portland and Richmond and Lord Fitzwilliam protested against it. The Commons passed a declaration against the use of the King's name, as a breach of the fundamental privileges of Parliament, and subversive of the Constitution; but the bill was rejected by the Lords, and the King contemptuously dismissed his Ministers. For a sovereign thus to plot against his own Ministers was highly reprehensible and utterly contrary to the spirit of the Constitution. Nevertheless, it would have been better for the Government if they had either taken action against Lord Temple as the King's mouthpiece, or protested against the royal interference and resigned.

The King defeats it.

Ministers dismissed.

Pitt Prime Minister.

Pitt's time now came, and on December 23rd, 1783, he formed his first Government from members of both parties. Pitt himself was First Lord of the Treasury and Chancellor of the Exchequer, and Lord Thurlow, the King's staunch friend, was Chancellor. A deadly struggle ensued between Pitt (aided by the King) and the Opposition, led by Fox and North. A motion by Erskine to address the King against a dissolution was

carried without a division. On January 12th, 1784, Fox's resolution to go into committee on the state of the nation was adopted by 232 to 193, when a further motion was agreed to without a division declaring it to be a high crime and misdemeanour to issue, after a dissolution or prorogation, any money not appropriated by Parliament. Next, a motion by the Earl of Surrey condemnatory of the use of the King's name and of the change of Ministers was carried by 196 to 54. On January 14th Lord Charles Spencer brought forward a motion to the effect that "the continuance of the present Ministers in trusts of the highest importance and responsibility is contrary to constitutional principles, and injurious to the interests of his Majesty and his people." This was carried in committee by 205 to 184. Undeterred, the Premier brought in his India Bill, but it was thrown out on the second reading by 222 to 214.

The Premier's skilful tactics.

Pitt's courage in the face of such an opposition was sublime. Though urged by his friends to dissolve, he determined to remain at bay until he could weaken the forces of his enemies. So ably did he manage his party and the House of Commons that in the end he brought down the majority against him to one. But this took some time to effect; and the Minister, whose original acceptance of office had been met with derisive laughter, needed all his indomitable courage to save himself from falling in the struggle. On February 2nd Mr. Grosvenor's motion for "an efficient, united, and extended administration," was carried without a division; and Mr. Coke's rider that the continuance of the Ministers in office was an obstacle to such an administration being formed was adopted by 223 to 204. The Lords now came to the support of the Government, and, on the motion of Lord Effingham, carried resolutions condemnatory of the Commons by 100 to 53. But on the 18th the Lower House returned to the charge, and passed a motion for postponing the supplies by 208 to 196. On March 1st Fox's motion for an address to the Crown praying for the removal of Ministers was adopted by 201 to 189; and on the 5th the

Opposition leader's motion to postpone the Mutiny Bill was carried by 171 to 162. The divisions thus gradually grew less adverse to Ministers, until, on March 8th, Fox's motion for a representation to the King on the state of affairs was carried by one vote only—191 to 190. Two days later the Mutiny Bill was passed without a division.

Dissolution and Ministerial triumph.

The time for which Pitt had patiently waited had now arrived, and on March 25th Parliament was dissolved. The Minister's prescience and sagacity were justified by the event. The Opposition were smitten hip and thigh, and no fewer than a hundred and sixty friends of the Coalition lost their seats. The dissolution of 1784 established this precedent: that if the Ministers chosen by the Crown do not possess the confidence of the House of Commons, they may advise an appeal to the people, with whom rests the ultimate decision. From this time also dates Pitt's complete identification with Tory principles. The influence of the Crown was unfortunately augmented by the elections of 1784, and the King was still ready to use this influence against his Ministers.

Pitt's India Bill, etc.

When the new Parliament met in May, the Premier began the work of legislation vigorously. By the Commutation Act he reduced the duty on tea and spirits to prevent smuggling. Then he introduced his India Bill, which was carried by 271 to 60. By this act a new department of government was made, called the Board of Control, consisting of six members of the Privy Council, including one Secretary of State and the Chancellor of the Exchequer, with supreme authority over the administration of the company, civil and military. All business and patronage were to be in the hands of the company, but the Crown was to have a veto in the case of appointment to the chief offices. The double government thus instituted continued until the administration of Indian affairs passed into the hands of the Crown. The Premier also inaugurated reforms in the Post Office. Letters were ordered to be sent by fast mail-coaches; and the privilege of franking, which had been greatly abused, was curtailed.

There was one matter, however, in which Pitt failed to show a magnanimous spirit towards his great rival. At the late election Fox had been returned for Westminster, after a desperate and exciting struggle; but the High Bailiff withheld the return, and began a scrutiny into the votes. This scrutiny was unjustifiably prolonged; and if the leader of the Opposition had not also been returned for Kirkwall, he would have been excluded from Parliament. The scrutiny cost the enormous sum of £18,000. The House of Commons in vain endeavoured to expedite matters, and Pitt very ungenerously supported the High Bailiff. His conduct was warmly censured, and, to mark its sense of the proceeding, the House carried a vote in opposition to the Premier by 162 to 124. Parliament further marked its disapprobation of the unfair exclusion of Fox by passing an act limiting every poll to fifteen days, and closing a scrutiny six days before the day on which the writ was returnable.

The Westminster Election.

Polling Act.

In 1785 Parliament met for the session in January instead of in the autumn, as hitherto, and it has continued to meet early in the year, with few exceptions, ever since.

The Meeting of Parliament.

Pitt's celebrated scheme for a Sinking Fund was brought forward in the session of 1786. It was proposed, on a plan laid down by Dr. Price, to set aside £1,000,000 a year, to accumulate at compound interest, for the payment of the National Debt. The scheme was carried, but it was ultimately shown to be fallacious, for it was but practically taking money out of one pocket to put it into the other, the nation having to pay the cost of the transfer. Indeed, the Government during the French War borrowed at a higher rate of interest to lend out at a lower one. By 1807 the system was virtually exploded, and in 1828 it was formally abandoned. A more successful effort in commercial policy was Pitt's treaty with France, concluded in 1786, by which most of the protective duties between the two countries were abolished.

The Sinking Fund.

Pitt's French Treaty.

The memorable proceedings in connection with the impeachment of Warren Hastings began with the session

Warren Hastings.

CHAP. III. The Reign of George III.

of 1786. Hastings, who had accomplished a great work in India—although his policy was marked by grave errors—had resigned the post of Governor-General and returned to England at the close of 1784. Peace had been restored to India, and England had no longer a European rival in the Eastern seas; but charges against Hastings began to be made. The chief misdeeds alleged against him were the aid that he gave to his ally the Nawab of Oudh in the war against the Rohilla Afghans, his punishment of the Zemindar of Benares for non-compliance with a demand for aid in the first Mahratta war, and his connivance in the forfeiture of property, real and personal, which had been conferred on the Begums or dowager-princesses of Oudh. Early in the session of 1786 Burke moved for papers, and upon these he founded the charges for the impeachment. Hastings was furnished with a copy of the accusation, to which he wrote a lengthy reply, which he read at the bar of the House. In June Burke brought forward the charge relating to the Rohilla war, but Hastings was absolved on this by 119 to 67 votes. On June 13th Fox, in a speech of great ability and eloquence, elaborated the charge respecting the treatment of Cheyte Sing, Rajah of Benares. Philip Francis, the bitter enemy of the accused, followed on the same side. Consternation overtook Hastings and his friends when Pitt announced that, while applauding every other part of the conduct of Hastings, he must vote for Fox's motion. The resolution was carried by 119 to 79. Pitt privately told Wilberforce that, as a man of conscience, he could no longer stand by Hastings; the business was too bad. So, although it was generally conceded that the Rohilla charge was much stronger than the Benares charge, the Commons endorsed the latter as the first ground for an impeachment. In the following session the charge touching the spoliation of the Begums was advanced by Sheridan in a speech which has been described as "the most elaborately brilliant of all the productions of his ingenious mind." The impression it produced has never since been equalled, and the orator

His impeachment demanded.

Sheridan's "Begum" speech.

concluded amidst cheering and loud clapping of hands, in which the Lords below the bar and the strangers in the gallery joined. No other speaker could obtain a hearing, and the debate was adjourned. Twenty years afterwards Windham declared that this speech was the finest that had been delivered within the memory of man, and Fox said it was the greatest speech ever delivered in the House of Commons. Sheridan's motion, for which Pitt voted, was carried by 175 to 68. The House ultimately agreed to twenty articles of charge, and directed Burke to go before the Lords and impeach the late Governor-General of high crimes and misdemeanours.

Trial of Hastings.

The trial began on February 13th, 1788, in Westminster Hall, according to forms handed down from the days of the Plantagenets. The scene was unusually splendid and imposing. The principal managers of the impeachment were Burke, Fox, Sheridan, Windham, Elliot (afterwards Lord Minto), Grey (afterwards Earl Grey), and General Burgoyne. The distinguished culprit appeared at the bar, and bent his knee. The charges and the answers of Hastings were first read, occupying two whole days. On the third day Burke opened his general survey of the case in a magnificent speech, which alone consumed four sittings. His sustained eloquence and his energy and patience swayed the vast audience as leaves are swayed in the breeze, and many of the ladies present gave way to uncontrolled emotion as the orator sternly depicted the tyranny of Hastings. Lifting up his fine voice in concluding, so that the old arches of Irish oak resounded, he said, "Therefore hath it with all confidence been ordered by the Commons of Great Britain that I impeach Warren Hastings of high crimes and misdemeanours. I impeach him in the name of the Commons' House of Parliament, whose trust he has betrayed; I impeach him in the name of the English nation, whose ancient honour he has sullied; I impeach him in the name of the people of India, whose rights he has trodden under foot, and whose country he has turned into a desert; lastly, in the name of human nature

Burke's opening address.

Speech of Sheridan.

itself, in the name of both sexes, in the name of every age, in the name of every rank, I impeach the common enemy and oppressor of all!" Fox next opened the charge respecting Cheyte Sing; and Sheridan, in a brilliant and sparkling address which lasted two days, followed with that relating to the princesses of Oudh. When he concluded, Sheridan, with great dramatic effect, fell back into the arms of Burke, as though he were thoroughly exhausted. After this the trial proceeded in a dry and routine fashion, eloquence giving place to legal examinations.

The impeachment continued.

When Parliament was dissolved in 1790, the friends of Hastings hoped that the impeachment would be abandoned. But the House of Commons decided that an impeachment is not terminated by any prorogation or dissolution of Parliament; and this constitutional doctrine was finally established by the Hastings case. The trial was somewhat expedited, however; yet it did not end until April 23rd, 1795, when judgment was finally pronounced, and Hastings was solemnly acquitted and discharged. The feeling had now turned in his favour, and he lived in honourable retirement for twenty-three years after his acquittal. Hastings was a man of great talents, courage, and energy; but his rule was neither merciful nor just.

Acquittal of Hastings.

Prosecution of Stockdale.

An important trial for libel arose out of the Hastings impeachment. Stockdale, the publisher, had issued a defence of Hastings in the shape of a pamphlet by a clergyman named Logan. The author censured the impeachment and its managers with much severity. The House of Commons voted the pamphlet to be a libel, and ordered the prosecution of Stockdale. He was accordingly tried in 1789, and being eloquently defended by Erskine, was acquitted.

The Prince of Wales.

Reverting to Parliamentary affairs, in the session of 1787 warm discussions arose over the motion for the payment of the Prince of Wales's debts. The question of his marriage with Mrs. Fitzherbert was mooted, and the Prince authorised Fox to deny the marriage, although it

had actually taken place. It was null and void, however, without the King's consent; and, as Mrs. Fitzherbert was a Roman Catholic, the union would have cost the Prince the crown if it had been legal. As the result of Pitt's negotiations, £10,000 a year was added to the Prince's annual income of £62,000, and £161,000 was voted for the payment of his debts, together with an additional £20,000 for the repairs of Carlton House.

Dissenters and the Test Act.

Various efforts were made at this period to relieve Dissenters by the repeal of the Test and Corporation Acts. On March 28th, 1787, Mr. Beaufoy brought in a bill for their abolition. "He showed how the patriotism of a Nonconformist soldier might be rewarded with penalties and proscription, and how a public-spirited merchant would be excluded from municipal offices in the city which his enterprise had enriched, unless he became an apostate from his faith. The annual Indemnity Acts proved the inutility of penal laws, while they failed effectually to protect Dissenters." But the majority took the narrow view of Lord North, who regarded the Test Act as "the great bulwark of the Constitution," and the motion was defeated by 176 to 98. Mr. Beaufoy renewed his motion in 1789, and during the debate Fox delivered an able speech in favour of repeal, in the course of which he made this remarkable admission: "It would perhaps be contended that the repeal of the Corporation and Test Acts might enable the Dissenters to obtain a majority. This he scarcely thought probable; but it appeared fully sufficient to answer that if the majority of the people of England should ever be for the abolition of the Established Church, in such a case the abolition ought immediately to follow." The motion was again rejected, by 122 to 102. In March, 1790, Fox himself moved the consideration of the Test and Corporation Acts in a committee of the whole House. He put forward powerful pleas for their repeal, but was opposed by Pitt; and the motion was lost by 294 to 105. The subject was not again revived for nearly forty years.

The Slave Trade.

The session of 1788 was distinguished for its action against the slave trade. Much could not be done as yet to check this infamous traffic, for the philanthropic efforts of Clarkson, Wilberforce, and others were only just beginning to make themselves felt. Pitt promised a thorough inquiry into the whole subject; but in the meantime Sir William Dolben brought in a bill for the better regulation of slave-ships. Notwithstanding the horrors of the trade, the measure was stoutly opposed. It passed with great difficulty, and not until the Lords had inserted compensation clauses for shipowners and merchants. In the following session Wilberforce delivered a speech condemnatory of the slave trade which made a profound impression upon the House and the country, and he was cordially supported by Burke and Fox. Wilberforce returned to the charge in 1791, but his motion for abolition, though supported by Pitt and Fox, was rejected by 163 to 88. In 1792 an abolition bill was carried in the Commons, but, as it was postponed by the Lords, Wilberforce and his friends were compelled to wait for thirteen years before further action could be taken.

The Regency Act, 1789.

The King's alarming illness having been made public in November, 1788, it again became necessary to provide for the regency. When Parliament met, it proceeded to discuss the question. Fox asserted that "the Prince of Wales had as clear a right to exercise the power of sovereignty during the King's incapacity as if the King were actually dead, and that it was merely for the two Houses of Parliament to pronounce at what time he should commence the exercise of his right." Pitt, on the contrary, declared that, "unless by decision of Parliament, the Prince of Wales had no more right—speaking of strict right—to assume the government than any other individual subject of the country." The matter was warmly contested, for if the Prince had assumed the regency Fox would undoubtedly have been at once appointed Prime Minister; and this Pitt was naturally anxious to avoid. The Opposition resisted the proposal to limit the

future Regent's authority. At length, on February 5th, 1789—when Parliament had been formally opened by letters patent under the Great Seal—a bill was introduced in the Commons and quickly sent up to the Lords, with the following limitations: that no new peers should be created, that no pension or place should be granted for life other than was necessary by law, and that the King's person should be left in the hands of the Queen. The King's sudden recovery, however, which was celebrated with great public rejoicings, put an end to all proceedings; and although his Majesty was anxious to make some permanent provision for the regency, nothing was now done.

Elections of 1790.

Parliament was dissolved in 1790, and Pitt gained largely at the elections, partly because of his able and prudent administration of affairs, and partly because of the alarm created amongst the middle classes by the excesses of the French Revolution. Fox's declaration of sympathy with the Revolution had already produced a coolness between himself and Burke, and they now began to draw apart.

The Canada Bill.

When the new Parliament assembled in 1791, the chief measure laid before it by the Government was the Canada Bill. By this bill the province of Canada was divided, at the suggestion of Pitt, into Upper or Western, and Lower or Eastern Canada, mainly for purposes of representation; whilst the division also served to mark out the locality where the English and French elements respectively preponderated. Each province had a governor and executive council, a legislative council appointed by the Crown, and a representative assembly elected by the people. But the Government was independent of the Assembly, and only responsible to the Colonial Office. This measure, which recognised for the first time the wise and generous principle of independent colonial institutions, was carried into law.

Quarrel between Burke and Fox.

During the debates on the Canada Bill the quarrel between Burke and Fox came to a head. Fox took the opportunity of sounding the praises of liberty and of

sneering at Burke's famous lament over the fall of chivalry. When the bill was recommitted Burke made a violent rejoinder, and a scene of almost unparalleled confusion and excitement ensued. Fox, in retorting, charged Burke with deserting his principles, and, quoting the fine expression of his own with reference to the American war, with drawing an indictment against a whole people. Burke, in a further speech, declared their long friendship to be at an end, whereupon Fox, moved to tears, protested against the severance of friendship over a political question. But Burke intimated that all hope of reconciliation was at an end. He separated himself from Fox's party, and for the short time during which he now remained in Parliament he became a supporter of the Administration.

Fox's Libel Bill.

Fox introduced his Libel Bill in the session of 1791. This measure placed the liberty of the press under the protection of juries by allowing them to decide what constituted a libel as well as the fact. It was supported by Erskine and endorsed by Pitt, and it passed the House of Commons without a dissentient voice. In the following session it was carried through the Lords, and became law.

Catholic relief measures.

The subject of Roman Catholic disabilities was also legislated upon this session. Mr. Mitford brought in a bill for the relief of "Protesting Catholic Dissenters" —that is, Roman Catholics who protested against the Pope's temporal authority, his right to excommunicate kings and absolve subjects from their allegiance, and the right of not keeping faith with heretics. Fox opposed the measure, on the ground that relief should be given to all Roman Catholics; and Pitt took the same view. The bill was remodelled, and ultimately passed in a form which allowed Roman Catholics who took an oath of allegiance to secure to themselves freedom in education, in holding property, and in practising the profession of the law. It also permitted Catholic peers to approach the King. In the session of 1793 a Catholic Relief Act for Scotland was passed, removing similar

disabilities. During the same session Pitt once more showed his solicitude for the commercial interests of Great Britain by concluding a treaty of commerce with Russia.

Parliamentary Reform.

Parliamentary reform again came into prominence at this time. In the session of 1790 Mr. Flood moved for a bill to amend the representation of the people. He proposed to add one hundred members to the House of Commons, to be elected by the resident householders of every county. Pitt still expressed his friendliness to reform, but said he could not support the motion, which was superseded by the adjournment of the House. A political association called the Society of the Friends of the People was formed in 1792 to promote Parliamentary reform, and in the ensuing year it undertook to prove that about 200 members of Parliament were returned by towns with less than 100 electors, and that 357 members were returned by 154 patrons. But the period was not favourable to reform, and Burke now agreed with Pitt, who observed during one debate, "This is not a time to make hazardous experiments." Yet on May 6th, 1793, Grey—who, with Erskine, was a leader among the Friends of the People—brought forward a motion in favour of reform, and presented a petition from the society exposing the great abuses of the electoral system. The terrible events in France, however, had alarmed the majority of the House of Commons, while the Whig party had broken up. The resolution was rejected by 232 to 41. Four years later—May, 1797—Grey moved for leave to bring in a bill for carrying his previous resolution into effect. He proposed to increase the county members from 92 to 113, and to admit copyholders and leaseholders for terms of years, as well as freeholders, to the county franchise. In the boroughs he proposed to substitute for the numerous rights of election one uniform household franchise. To diminish the expense of elections, he suggested that the poll should be taken throughout the whole kingdom at one time. This comprehensive scheme was very largely upon the lines of the great mea-

CHAP. III. The Reign of George III.

sure which Grey carried thirty-five years later. He was now ably seconded by Erskine in one of the finest speeches he ever made in the House of Commons, and supported by Fox; but Thomas Paine's *Rights of Man* and other writings of an extreme character were held up as true expositions of the reformer's creed, and the motion was lost by a large majority—256 to 91. After this the question again remained in abeyance for a considerable period.

Democratic Societies.

A number of democratic societies in addition to that of the Friends of the People were formed towards the close of the century. The Society for Constitutional Information, founded to instruct the people in their political rights and to advance the cause of Parliamentary reform, counted among its early members Fox, Pitt, and Sheridan; but these soon left it, and Major Cartwright, Horne Tooke, and other zealous advocates of universal suffrage, etc., alone remained. The London Corresponding Society, which was composed chiefly of working men, was founded during the early days of the French Revolution, for the purpose of remedying political abuses and social grievances and advocating universal suffrage and annual Parliaments. These two societies were repudiated by the Friends of the People and all moderate reformers. The Revolution Society, originally founded to commemorate the English revolution of 1688, had many distinguished members at one time, but it ultimately gave itself up to political agitation. Political agitation led to a great riot at Birmingham. The celebration by a number of Radicals, on July 14th, 1791, of the capture of the Bastille—which was held to be the inauguration of the French Revolution—was made the occasion of a serious disturbance by the upholders of Church and King. They attacked the house of the Unitarian minister Dr. Priestley, a distinguished man of science, and utterly destroyed his library, philosophical apparatus, and manuscripts. Parliament ordered an investigation, and twelve persons suffered for the outrages committed during the riots, three being executed.

Riot at Birmingham.

The threatening situation in Europe, and the condition of things at home, caused Ministers to issue a proclamation on December 1st, 1792, stating that so dangerous a spirit of tumult and disorder had been excited by evil-disposed persons, acting in concert with persons in foreign parts, that it was necessary to call out and embody the militia. Parliament met on December 13th, three weeks before the date to which it had been prorogued; and in replying to the King's Speech Fox and Sheridan denied the existence of seditious practices. At a later period Sheridan condemned the proclamation as an attempt to create a panic, in order to inflame the public mind against France, with which war was now declared. France had formally declared war against England February 11th, 1793, whereupon England, Spain, and Holland joined Austria and Prussia in the first coalition. Fox proposed a resolution condemning the war, but it was lost by 270 to 44.

Seditious practices.

In the Upper House Lord Grenville brought forward his Alien Bill, which placed aliens under supervision, and gave the Secretary of State power to remove them if suspected out of the kingdom. The bill met with some opposition in the Lords, but it was the subject of much keener debate in the Commons, and with it is associated Burke's famous dagger scene. Fox and the majority of the Whig party denied the existence of any emergency which could justify either the proclamation of December 1st, or any interference with foreigners visiting or resident in the British islands. Burke urged that much mischief might be done by a few energetic individuals acting in concert for a common object. He said that orders for three thousand daggers had recently been sent to Birmingham, and drawing forth a weapon of this description, cast it on the floor, exclaiming, "This is what you are to gain by an alliance with France!" The scene should have been dramatic, but it was scarcely redeemed from ridicule and contempt. When the speaker declared that he voted for the bill in order to prevent the introduction of French

The Alien Act.

Burke's dagger scene.

principles and French weapons, the House was too much amazed either to laugh or sympathise; and Burke, confused and mortified, brought his speech to an abrupt conclusion. The bill passed through its various stages without a division, and became law. It was supplemented by the Traitorous Correspondence Act, the object of which was to prohibit intercourse and commerce of any kind with the French people.

Repressive measures.

The Government now entered upon a sternly repressive policy with regard to seditious speeches and writings, and prosecution followed prosecution with startling rapidity. As a justification for their alarm over the spread of revolutionary sentiments, they pointed to such utterances as the memorable one of Fox when he pronounced the French Revolution to be the most stupendous and glorious edifice of liberty which had been erected on the foundation of human integrity in any age or country. Failing to see that a friend of liberty like Fox might well hail such a movement for freedom while deprecating its excesses, they argued that if he thus spake, what would be the case with ordinary people?

Prosecutions.

Paine was prosecuted for his attacks upon the Constitution, and, in spite of Erskine's brilliant defence, was found guilty. But he had already escaped to France. In 1793 John Frost, a respectable attorney, Mr. Winterbotham, a Baptist minister, Thomas Briellat, and Dr. Hudson, were tried for the use of seditious words and severely punished. Besides the higher courts, quarter sessions were active in prosecutions. In Scotland the trials of Thomas Muir, advocate, and the Rev. Fyshe Palmer, were most unjustly conducted, and the accused convicted and condemned to transportation. William Skirving, secretary of the Convention of the Friends of the People at Edinburgh, and Maurice Margarot and Joseph Gerrald, delegates from the London Corresponding Society, were likewise unjustly convicted. Many of the cases were eloquently denounced in the House of Commons, and Fox exclaimed, "God help the people who have such judges!" Other cases followed, and in

1794 Robert Watt was executed in Scotland for high treason. In October, 1794, a special commission was issued for the trial of certain persons on a charge of treasonable conspiracy. The grand jury returned a true bill against Thomas Hardy, John Horne Tooke, John Thelwall, and nine other prisoners for high treason. They were members of the London Corresponding Society and of the Society for Constitutional Information. Erskine made splendid defences, and, in spite of the resources of the prosecution, the prisoners were acquitted. Had they been found guilty, "the right of free discussion and association would have been branded as treason, public liberty would have been crushed, and no man would have been safe from the vengeance of the Government."[1]

Horne Tooke.

The suspension of the Habeas Corpus Act was carried in 1794 by 201 to 39. This was the first time for England since 1745. On January 5th, 1795, Sheridan moved for the repeal of the Habeas Corpus Suspension Act in a speech charged with wit and sarcasm. Erskine showed that English juries did not believe in the traitorous conspiracy which the Government alleged to exist, but the motion was lost by 185 to 41 votes. The Government then brought in a Continuance Bill, which speedily passed, and altogether the suspension of the Habeas Corpus Act remained in force for eight years. Other prosecutions followed, with riots and distress in various parts of the country.

Habeas Corpus Act suspended.

When the King proceeded to Westminster, to open Parliament, on October 29th, 1795, instead of being received with cordial acclamations, he was assailed with groans and hisses, and cries of "Give us bread!" "No Pitt!" "No war!" "No famine!" His carriage was attacked both in going and returning, on the latter occasion being nearly broken to pieces, and his Majesty narrowly escaped injury. The two Houses of Parliament immediately concurred in an address to the King ex-

Attack on the King.

[1] Lord Farnborough's *Constitutional History*.

pressing their abhorrence of the late events; two proclamations followed, one offering rewards for the apprehension of the authors and abettors of these outrages, the other adverting to recent meetings near the metropolis, and calling upon the magistrates and all good subjects to aid in preventing such meetings and in apprehending persons who should deliver inflammatory speeches or distribute seditious papers.

Treasonable Practices Act.

But the matter did not end here. Lord Grenville founded a bill upon the proclamations called the Treasonable Practices Bill. It was brought forward in the Lords on November 4th, its object being the "preservation of his Majesty's person and government against treasonable practices and attempts." The Government were dissatisfied with the results of the recent State trials, and by this measure sought to establish a new law of treason, completely at variance with the existing laws. The principal feature of the bill was that it dispensed with proof of overt acts of treason, and altogether widened the definition of treason, so as to include any writing or speaking which should incite the people to hatred or contempt of the King's majesty or the established government and constitution of the realm. It practically formed a statutory prohibition of all discussion of Parliamentary reform, and was a flagrant encroachment upon freedom of opinion. The peers passed it with only seven dissentients; but in the House of Commons it met with a vigorous resistance. Fox declared that if this and the Seditious Meetings Bill "should be put into force, with all their rigorous provisions, if his opinion were asked by the people as to their obedience, he should tell them it was no longer a question of moral obligation and duty, but of prudence." Sheridan, Grey, Whitbread, and other Liberals supported Fox, but Ministers openly avowed their determination "to exert a rigour beyond the law as exercised in ordinary times and under ordinary circumstances." Notwithstanding the indignation out of doors, the Government were all-powerful in the House, and the

CHARLES JAMES FOX.

bill passed. It was to remain in force during the life of the King, and till the end of the next session after his death.

Seditious Meetings Act.

The Seditious Meetings Bill, a second measure for the suppression of popular rights, was introduced by Pitt. It prohibited meetings of more than fifty persons—except county and borough meetings duly called—for the consideration of petitions or addresses for reform in Church or State, or for the discussion of any grievance, without the sanction of a magistrate. It vested large discretionary powers in the magistrates both as to sanctioning such meetings and dispersing them. Ministers indeed even proposed to restrict the liberty of discussion by only permitting debating societies to meet in duly licensed rooms. The bill was avowedly a coercive measure, and it was strenuously opposed by the Whigs. "Say at once," exclaimed Fox in giving vent to his indignation, "that a free constitution is no longer suited to England; say at once, in a manly manner, that, on a review of the state of the world, a free constitution is not fit for you: conduct yourselves at once as the senators of Denmark did—lay down your freedom, and acknowledge and accept of despotism. But do not mock the understandings and the feelings of mankind by telling the world that you are free." Yet only 42 members voted with Fox against the introduction of the bill, and it passed on the third reading by 266 to 51. Great meetings were held in London, Edinburgh, Glasgow, York, and other places to protest against these stringent acts.

Protest by Fox.

Fox on liberty.

On May 14th, 1797, Fox vainly moved for the repeal of the Treason and Sedition Acts in a wise and powerful speech. He observed that, "in proportion as opinions are open, they are innocent and harmless. Opinions become dangerous to a State only when persecution makes it necessary for the people to communicate their ideas under the bond of secrecy." In another passage he said, "Liberty is order; liberty is strength." Yet he found no more than 52 supporters. Not long after

CHAP. III. The Reign of George III.

this, the King with his own hand struck off the name of Fox from the list of Privy Councillors.

Press restrictions.

The press was also too powerful an engine to be left unfettered. From 1789 to 1798 the regulation of newspapers frequently occupied the attention of the Legislature. Stringent provisions were made against unstamped publications; the stamp and advertisement duties were increased, and securities taken for ensuring the responsibility of printers. The object of the various laws passed was to restrain the multiplication of cheap political papers among the poorer classes and to subject the press generally to a more effectual control.

Whig secession.

Fox and his friends were so disheartened by Pitt's repressive measures that, seeing no hope of effecting anything, they seceded from Parliament for a time. The great Whig leader went into retirement at St. Anne's Hill.

Corresponding Society Act.

Pitt proceeded in his course, and on April 19th, 1799, introduced a bill for the suppression of the London Corresponding Society, the Societies of United Englishmen, Scotsmen, and Irishmen, and similar political organisations. The measure also contained further strong provisions against the press. With the passing of this bill, the series of repressive measures for practically suspending the popular constitution of England was complete.

Sheridan on the press.

During the next ten or fifteen years the libel laws were harshly administered in (*inter alia*) the cases of the Rev. Gilbert Wakefield, Jean Peltier, William Cobbett, John and Leigh Hunt, and John Drakard, the printer of the *Stamford News*. But the press was destined to recover itself from its thraldom. In the session of 1810 Sheridan finely said, "Give me but the liberty of the press, and I will give the Minister" (Perceval) "a venal House of Peers, I will give him a corrupt and servile House of Commons, I will give him the full swing of the patronage of office, I will give him the whole host of Ministerial influences, I will give him all the power that place can confer upon him to purchase submission and overawe

resistance ; and yet, armed with the liberty of the press, I will go forth to meet him undismayed : I will attack the mighty fabric he has reared with that mightier engine : I will shake down from its height corruption, and lay it beneath the ruins of the abuses it was meant to shelter."[1]

The Prince of Wales.

The Prince of Wales having married the unhappy Caroline of Brunswick in April, 1795, Parliament was called upon for a new regulation of his income. An additional annuity of £65,000 a year was granted to him, which gradually paid off his debts, now amounting to no less a sum than £650,000.

Ministerial changes.

Pitt's Ministry had been reconstituted in 1794, with Loughborough as Chancellor, Grenville as Foreign Secretary, the Duke of Portland as Home Secretary, Windham as Secretary-*at*-War, and Dundas as Secretary *for* War, this last being a new appointment. Huskisson became Under-Secretary for War in 1795, and Castlereagh Secretary for Ireland in 1798. But there joined the Ministry in 1796 a young politician who became the most brilliant ornament of the House of Commons after the death of Pitt and Fox. This was George Canning, who accepted the post of Under-Secretary for Foreign Affairs. Canning, who was the son of a poor barrister, was born in 1770. His uncle, Stratford Canning (father of Lord Stratford de Redcliffe), sent him to Eton, where he had a distinguished career. He subsequently proceeded to Oxford, and on leaving there went to the bar. At first a Whig, in 1793 he was induced to enter Parliament for Newport, Isle of Wight, as a follower of Pitt. He soon made his mark in the House. In 1796 he became member for Wendover, and entered the Government, as already stated. In conjunction with Hookham Frere and others, he published in 1797 the famous satirical journal the *Anti-Jacobin*.

George Canning.

The period at which George Canning came into political prominence witnessed also the retirement of Burke from Parliament. In 1794 he suffered severe bereavements by

[1] *Hansard's Debates*, 1st series, vol. xv.

Death of Burke.

the death of his brother and his only son, and from this time until his death—July 9th, 1797—lived in retirement at Beaconsfield. This eminent man, greater as a philosophical than as a practical statesman, was more fitted by his genius for the study than the senate.

Pitt's financial policy.

Pitt's financial policy in 1798-9 was of great importance. In the former year he brought forward a scheme of taxation by which he sought to impose the chief burden of the war upon surplus property and income. This scheme had failed, however, and although a sum of £2,000,000 was subsequently obtained by voluntary offerings, the King himself giving £25,000, this was not an expedient capable of frequent repetition. The estimate of expenditure for 1799 was £29,000,000, while the ordinary sources of revenue yielded little more than £6,000,000. Accordingly, in the session of 1799, the Chancellor of the Exchequer resorted to the imposition of the income tax. He proposed to take two shillings in the pound from every income of £200 and upwards. From that amount to £60 a year, at which the tax commenced, there was to be a descending scale of assessment. The proposals were passed by a large majority, and the income tax continued to be levied till the close of the Continental war, with the exception of a slight break for part of the years 1802 and 1803. By the year 1806 the tax had reached the high rate of 10 per cent.

Imposition of the income tax.

British slavery.

The question of slavery in the British islands was not finally set at rest until 1799. It had never hitherto been abolished by positive enactment; and the decision of Lord Mansfield in the case of the negro Sommerset in 1772 that slavery could not exist in England had no legal foundation, but only represented the public opinion of the time. Four years after this the question was set at rest in Scotland. A negro servant of Mr. Wedderburn having claimed his freedom, the sheriff was appealed to, who held that "the state of slavery is not recognised by the laws of this kingdom." The Court of Session was then moved, when it was adjudged that the master had no right to the negro's service, nor to send him out of the

country without his consent. But while the negro in Scotland was now assured of his freedom, the slavery of native colliers and salters continued in that country. They were actually excluded from the Scotch Habeas Corpus Act of 1701, and so pitiable was their condition that in 1775 the Legislature passed an act for their relief. It was provided that colliers and salters commencing work after July 1st, 1775, should not become slaves; and that those already in a state of slavery might obtain their freedom in seven years if under twenty-one years of age, in ten years if under thirty-five. But the act practically remained a dead letter, as the slaves were rarely able to press for a decree of enfranchisement through the Sheriff's Court; so, finally, in 1799 a measure was carried by which their freedom was absolutely established.

The Act of Union, 1800.

The great legislative event of the year 1800 was the passing of the Act for the Union of Great Britain and Ireland. This measure will be fully described in the ensuing Book (XII.), dealing with the Irish Parliament. By a proclamation dated November 5th, 1800, the members of Parliament then sitting for England were declared to be members of the first Parliament of the United Kingdom of Great Britain and Ireland, which was appointed to meet on January 22nd, 1801. The Union with Scotland had been effected without a prior dissolution of Parliament, and that precedent was followed now, although the passing of the acts of union involved the extinction of the Parliaments of Scotland and Ireland and a fundamental change in that of England.

The first united Parliament.

The first united Parliament of Great Britain and Ireland met on the day appointed. As the transfer of the Irish representation had changed the composition of the House of Commons, it was thought fit, seeing that the form of oath was slightly altered, that all the members should be resworn. A new Speaker was also elected, the choice falling upon Addington, the occupant of the chair for many years past.

The Catholic question.

Pitt and his colleagues resolved to take advantage of the union with Ireland to make concessions to the Roman Catholics. This resolve led to the downfall of the powerful Minister, after an uninterrupted ascendency of seventeen years. The question of the Catholic claims was most distasteful to the King, and he had even suffered himself to be persuaded that he was morally restrained by his coronation oath from assenting to any further measures for the relief of his Roman Catholic subjects. He observed to Mr. Dundas at the levée on January 28th, 1801, "I shall reckon any man my personal enemy who proposes any such measure, the most Jacobinical thing I ever heard of!" The next day he wrote to the Speaker desiring him to "open Mr. Pitt's eyes to the danger arising from the agitating this improper question." Canning advised the Premier not to give way, and Pitt, who had already determined to make a stand, was supported by the Cabinet generally as well as by other political friends. On February 1st he made a formal communication to the King regarding his intentions. The King was very angry, and said to the Duke of Portland, "Were he to agree to it, he should betray his trust and forfeit his crown; that it might bring the framers of it to the gibbet." Addington endeavoured to accommodate matters, but Pitt, who was equally determined with the King, resigned. Constitutional authorities blame Pitt for his mismanagement of the Catholic question at this time. He ought not, as he did, to have concealed his intentions for a long time from the King. It was also somewhat surprising that only a few weeks after his resignation, when he heard that the King attributed his illness to the Minister's conduct, he conveyed an assurance to his Majesty that he would not revive the Catholic claims. During Pitt's Ministry upwards of a hundred and forty peers were created or promoted.

Pitt resigns.

Addington Prime Minister.

Addington was now entrusted with the task of forming an administration. Henry Addington, who was born in 1755, was the son of Anthony Addington, Lord Chatham's family physician. He was called to the bar, and became

an intimate friend and follower of Pitt. He was returned to Parliament for Devizes, and in 1789 was elected Speaker, continuing to fill the chair until 1801. As a Speaker he was admirable, but he proved to be a poor Minister. His Government, as Macaulay remarked, contained scarcely a single man who in Parliamentary talents could be considered as even of the second rate. Addington was First Lord of the Treasury and Chancellor of the Exchequer, Eldon Lord Chancellor, Portland President of the Council, Westmoreland Lord Privy Seal, Pelham Home Secretary, Hawkesbury Foreign Secretary, and St. Vincent First Lord of the Admiralty. Eldon was the one able man in this list, but his opinions were very reactionary.

Bread riots.

Before the new Government actually came in, a question of considerable domestic importance arose. In the session of 1800 numerous petitions had been presented to Parliament complaining that, in consequence of the scarcity of provisions and the high price of corn, the labouring classes were perishing and the middle classes were becoming pauperised. Various remedial measures were passed, and among them was one to prohibit the making of bread solely from fine flour, commonly called the Brown Bread Act. It was believed that this would effect a great saving in the raw material, but the Act roused a great storm of popular indignation on the ground that it lowered the standard of food. Serious riots ensued. Accordingly in the session of 1801 Ministers were compelled to hurry a bill for the repeal of the Brown Bread Act through both Houses in a single day. It was regarded as a measure of such urgency that the royal assent was obtained at a time when the King was not a responsible agent. Dr. Willis, the King's physician, undertook to get the royal assent. He told his Majesty that his signature was required to something for the comfort and happiness of his people, whereupon the afflicted sovereign said, "Is it for the happiness of my people? Then I will sign my best 'George R.'"

Illness of the King.

The King's malady grew very serious, and all eyes were turned in this emergency to Pitt, who was still *de facto* Prime Minister. A Regency Bill was decided upon, to be introduced on March 12th, but fortunately the King made a speedy recovery, and no regency measure was necessary.

The Ministry.

All this time Addington's position was peculiar, if not ridiculous. He had received the King's commission, and had vacated the Speaker's chair, Sir John Mitford, the Attorney-General, being elected as his successor. Meanwhile Pitt was managing public affairs. At length, on March 14th, Pitt resigned the seals of office, which were formally handed over to Addington by the King.

Clergy disqualified for Parliament.

In consequence of the return of Horne Tooke for Lord Camelford's borough of Old Sarum, the Government carried a bill in the session of 1802 declaring all persons in holy orders disqualified for a seat in Parliament.

Habeas Corpus.

The Habeas Corpus Suspension Act expired in 1801, and Ministers did not renew it; but before its operation ceased a bill was introduced to indemnify all persons who since February 1st, 1793, had acted in the apprehension

Indemnity Bill.

of persons suspected of high treason. The Indemnity Bill was strongly opposed, for there had been many cruel cases of imprisonment; but it was carried through, as was also an act for the renewal of martial law in Ireland, although the rebellion in that country had practically ceased. It was during the debates on the latter measure that Chancellor Clare in the Lords and Mr. J. C. Beresford in the Commons avowed and defended the practice of torture.

War and Colonial Departments.

In 1801 the departments of War and the Colonies were united under one secretary, and this union lasted until 1854. The office of Secretary of State for the Colonies, first constituted in 1768, had been abolished in 1782; and from the latter year until 1801 the colonial business had been transacted at the Home Office.

Treaty of Amiens.

The chief work of the Addington Ministry was the negotiation of the Treaty of Amiens, which closed for a time the great war that had lasted since 1793. The

severe mutual losses sustained, the blow given to the Northern Alliance by the battle of Copenhagen, and the complete supremacy of the English fleet, with, on the other hand, the defeats inflicted on England's Continental ally, Austria, in 1800, and the conclusion of the Treaty of Luneville between France and Austria in February, 1801, led both England and France to desire a cessation of hostilities. Preliminaries of peace were signed in October, 1801. England agreed to restore to France, Spain, and the Dutch all her conquests except Trinidad and Ceylon; Malta was to be restored to the Knights of St. John; the King of England gave up the title of King of France; and there were various other minor articles. In November, shortly after Parliament met, the proposed peace was denounced by Grenville and Windham as a mere armed truce, entered upon without necessity, negotiated without wisdom, and concluded without honour. Pitt approved the treaty, though he did not describe it as a glorious peace, nor did he venture to predict that it would be durable. Sheridan happily described the treaty in a phrase that was widely quoted. "It was a peace," he said, "which everybody would be glad of, but which nobody could be proud of." The Treaty of Amiens was finally concluded between England and France on March 25th, 1802.

Addington resigns.

Although Addington enjoyed the confidence and even the affection of the King, he was far too weak for the post of Premier at a time when Europe was held in a constant state of dread by Napoleon. It was speedily seen that the Treaty of Amiens must be futile, and in May, 1803, war was again declared. Pitt, who had originally given his support to Addington, now saw that he was unequal to the task of grappling with the French invader, and he accordingly joined with Fox and Grenville in opposing the Ministry. With a Government feeble in itself and one beset by jealousies and intrigues, Addington found it impossible to contend against such powerful foes, and resigned office. He was subsequently created Viscount Sidmouth.

CHAP. III. The Reign of George III.

Pitt again Premier.

Pitt was commissioned to form a Ministry, and he desired to include Grenville and Fox; but the King regarded Fox with a detestation almost amounting to mania, and absolutely refused to admit him into the Cabinet. Indeed, he afterwards declared "that he had taken a positive determination not to admit Mr. Fox into his councils, *even at the hazard of a civil war*." Grenville declined to take office without Fox, so that Pitt was obliged to form an administration as weak as Addington's, with the exception of its chief. Pitt was again First Lord of the Treasury and Chancellor of the Exchequer. The new Government, which included many of Addington's colleagues, was constituted in May, 1804.

The African Slave Trade.

In the session of 1804, Wilberforce brought in a bill for the abolition of the African slave trade. It was passed by the Commons, but thrown out by the Lords. However, in 1805 the Government took the first step towards abolition by the issue of an order in council prohibiting the traffic with colonies acquired during the war; and in the following year a bill was passed against the trading in slaves by British subjects either with these colonies or with foreign possessions. The traffic with the older British possessions still remained; but this also was at length abolished by the General Abolition Act of 1807. The self-denying efforts of Wilberforce, Clarkson, Granville Sharp, and Zachary Macaulay were thus crowned with success. As the act of 1807 only provided for a fine, in 1811 slave-trading was created a felony punishable with fourteen years' imprisonment; in 1824 it was declared piracy and punishable with death, but in 1837 this was modified to transportation for life.

The War in Europe.

Pitt carried on the struggle with Napoleon as well as he was able, Parliament granting him additional forces. But Spain declared war against England, and Napoleon prepared to invade our shores. In 1805 Sidmouth joined the Government as President of the Council, and brought the Ministry the support of the King's friends; but the fusion did not last long. The third coalition was

formed against France—England, Russia, and Austria being the chief members.

Impeachment of Melville.

But a severe trial befell Pitt at home at this juncture. Henry Dundas, Viscount Melville, First Lord of the Admiralty, was accused of misappropriating public moneys during his former period of control as Treasurer of the Navy. A motion was brought forward for the impeachment in the session of 1805, when a strong case was advanced against him. The numbers on the division being equal, the Speaker (Charles Abbot) gave his casting vote against Lord Melville. Pitt was quite broken down by the proceedings, for Melville was his oldest friend and colleague, and he had defended him with the utmost ability. The Premier did not live long enough to see the censure reversed by the Lords. Melville's trial began on April 29th, 1806; and notwithstanding the splendid array of Whig talent against him, the accused was acquitted on all charges involving his honour, though the investigation brought to light many circumstances by no means creditable to his discretion. As in the case of Warren Hastings, a special act had been passed, providing that the proceedings against Melville should not be discontinued by reason of the prorogation or dissolution of Parliament. The case of Lord Melville is the last instance of an impeachment in England.

Important events.

Parliament was prorogued in July, 1805, in the midst of great national solicitude. On the 19th of October ensuing the Austrian army capitulated at Ulm. Two days later Nelson's glorious victory at Trafalgar saved England from all immediate danger of invasion, but Napoleon's crushing defeat of Russia and Austria at Austerlitz on December 2nd proved a death-blow to Pitt. He tried to return from Bath to London for the opening of Parliament, but expired at Putney on January 23rd, 1806. He was decreed a public funeral and a monument in Westminster Abbey, and his debts were paid by the nation. Probably no human existence embraced within the brief space of forty-seven years ever witnessed such

Death of Pitt.

continuous and distinguished service as Pitt's. His sun went down prematurely and in the midst of gloom, but nothing can detract from its long period of effulgence. True, Pitt made several mistakes towards the close of his career, notably in the recall of the popular Viceroy Lord Fitzwilliam from Ireland in 1798, which contributed largely to the savage Irish rebellion. He was also led into indefensible repressive measures through his revolutionary fears. To remedy the great popular distress, he further passed several ill-conceived measures for relaxing the poor laws. By levying rates for the purpose of increasing wages, and by granting parochial relief in proportion to the number of children in a family, he thus offered a direct premium upon improvident marriages. His measures of conciliation for Ireland, including the concession of the suffrage, failed partly through his own vacillation, and partly through the King's resolute attitude. He carried the legislative union with Ireland, but only through corrupt means. Pitt was cold and repellent in demeanour, but no statesman ever succeeded so completely in gaining the unbounded confidence of the nation. The greatest of Parliamentary leaders, he was also great in financial and commercial legislation, and he was one of the first statesmen to endorse the enlightened doctrines of Adam Smith. He had a unique force and influence in debate. Though naturally a peace Minister, fate made him the most prominent of war Ministers, and serious problems arose with which he was ill-fitted to grapple. But he was pre-eminently the man of Parliamentary government, and his unlimited sway over the House of Commons was always exercised for good and for the promotion of private and public virtue and integrity.

His policy

and character.

Upon the death of Pitt, Grenville and Fox united to form the Ministry of "All the Talents." The King had been induced to moderate his antipathy towards the Whig leader. The Government included Grenville as First Lord of the Treasury, Fox Foreign Secretary, Lord Henry Petty Chancellor of the Exchequer, Erskine

Ministry of "All the Talents."

Lord Chancellor, Sidmouth Privy Seal, Grey (afterwards Lord Howick) Admiralty, Lord Moira Ordnance, Lord Spencer Home Secretary, Windham War and Colonial Secretary, and Lord Minto Board of Control. Sheridan, Lords Auckland and Temple, and others, held minor posts.

Ellenborough in the Cabinet.

Ellenborough, Lord Chief Justice of England, was associated with Sidmouth and given a place in the Cabinet. To make the first criminal judge a confidential adviser of the sovereign was contrary to constitutional usage, and the appointment was severely condemned in the House of Commons. Ministers defended their action, citing the precedent of Lord Mansfield, but public opinion was opposed to them.

Death of Fox.

Fox opened negotiations with Napoleon, but while they were still pending the great Whig leader died (September 13th, 1806). He had barely survived his great rival eight months. To an ardent passion for liberty Fox united the qualities of honesty, manliness, urbanity, and a matchless eloquence. He had many failings, but they were forgotten in the light of his engaging frankness, his suave manners, and the general uprightness of his character. Lord Howick now became Foreign Secretary, Thomas Grenville First Lord of the Admiralty, and Tierney President of the Board of Control.

The Berlin Decrees.

Napoleon at this juncture issued his Berlin Decrees, which declared the British Isles to be in a state of siege, forbade France or any of her allies to trade with them, and declared all English property forfeited, and all Englishmen in a State occupied by French troops prisoners of war. The English Government retorted by issuing Orders in Council prohibiting all trade with French ports, or ports occupied by French troops.

Orders in Council.

Army and Navy Service Bill.

Serious differences arose between the King and Lord Grenville on the Army and Navy Service Bill. Ministers brought in this measure in the session of 1807 to relieve Catholic and Dissenting officers from certain disabilities. It was a somewhat critical step to force on such a bill

against the King's known wishes and resolves. The bill proposed that all who should enter his Majesty's service should enjoy the free and unrestrained exercise of their religion so far as it did not interfere with their military duties. The King absolutely refused to admit Catholics to the staff and to include Dissenters in the provisions of the bill. The measure was withdrawn, but, as Ministers refused to pledge themselves not to revive the Catholic question, the King dismissed them, and proceeded to form a new administration under the Duke of Portland and Mr. Spencer Perceval.

Ministers dismissed.

Portland Premier.

Portland was First Lord of the Treasury, Perceval Chancellor of the Exchequer, Canning Foreign Secretary, Castlereagh War and Colonial Secretary, Eldon Lord Chancellor, Westmoreland Lord Privy Seal, Hawkesbury (afterwards Earl of Liverpool) Home Secretary, Huskisson Secretary to the Treasury, and Sir Arthur Wellesley Chief Secretary for Ireland.

Ministers and the Crown.

Debates took place in both Houses on the change of Ministry and the unconstitutional use of the royal prerogative. These were followed up in the Commons by a further discussion on April 9th, when Mr. Brand moved a resolution "That it is contrary to the first duties of the confidential servants of the Crown to restrain themselves by any pledge, expressed or implied, from offering to the King any advice which the course of circumstances may render necessary for the welfare and security of the empire." Sir Samuel Romilly and Mr. Whitbread condemned Mr. Perceval's statement that the King had acted without advice, and asserted that he could not act without some responsible advisers. Canning said Ministers were "determined to stand by their sovereign, even though circumstances should occur in which they might find it their duty to appeal to the country." The resolution was lost by 258 to 226 votes. A similar motion by the Marquis of Stafford in the Lords was superseded by the adjournment of the House, which was carried by 171 to 90. Yet Ministers who took office in consequence of the refusal of the pledge demanded by the

King must be held to have taken upon themselves the same responsibility as if they had advised it.[1]

Dissolution of 1807.

Although this was the first session of a new Parliament, Ministers took advantage of the prevalent anti-Catholic feeling to appeal to the country, and Parliament was accordingly dissolved on April 27th, 1807. A large Tory and anti-Catholic majority was returned to support the Government; and when the new Parliament met in June, amendments to the Address condemning the dissolution were rejected by a majority of 93 in the Lords and 195 in the Commons.

The Duke of York.

In the session of 1809 charges were brought against the Duke of York of maladministration in the army, the Duke being under the influence of Mrs. Clarke. Although he was acquitted by small majorities, the public feeling was so strong that the Duke was impelled to resign his post of Commander-in-chief. Charges were also brought against Castlereagh and Perceval of Parliamentary corruption, though in their private relations these statesmen were noted for their high-mindedness and integrity.

Canning and Castlereagh.

The disastrous Walcheren expedition led to a serious breach between Canning and Castlereagh, which ended in a duel on Putney Heath and the subsequent resignation of both statesmen. Canning remained out of official life for a period of seven years.

Perceval Prime Minister.

The Duke of Portland, who was weak and vacillating as a Premier, resigned office in 1809, and Perceval became Prime Minister. Among other changes in the Government, Lord Wellesley was appointed Foreign Secretary, Lord Palmerston, then only in his twenty-fifth year, Secretary-at-War, and Robert Peel, then only in his twenty-third year, Under-Secretary for the Colonies.

Session of 1810.

In the session of 1810 the new Premier had to bear the full brunt of the Opposition inquiry into the Walcheren expedition. Lord Chatham, Pitt's brother, had been in command, and his communications with the

[1] See Lord Farnborough's *Constitutional History*, where the question is ably discussed.

King were stigmatised as highly unconstitutional. In the same session Mr. Grattan's motion in favour of the Roman Catholics was defeated by 213 to 109, while Mr. Brand's motion for Parliamentary reform was rejected by 234 to 115. The same resolution was rejected in 1812.

Sir F. Burdett and the Commons.

A struggle arose in 1810 on a question of privilege between the House of Commons and Sir Francis Burdett, the popular member for Westminster. It appears that Mr. Gale Jones had been committed to Newgate for publishing an offensive placard announcing for discussion in a debating society the conduct of two members, Mr. G. Yorke and Mr. Windham. Sir F. Burdett published an address to his constituents denouncing this act of the House and denying its right of commitment. This was voted to be a breach of privilege, and by direction of the House the Speaker issued his warrant for the commitment of Sir Francis to the Tower. The latter, however, barricaded himself in his house for three days. Great riots ensued, and a man was killed. Sir Francis was at length taken and imprisoned until the prorogation. The people took up his cause, and the Commons were denounced as tyrants and oppressors. Sir Francis brought actions against the Speaker and the Serjeant-at-Arms in the King's Bench, but the court vindicated the authority of the House, and its decision was upheld on appeal by the Exchequer Chamber and the House of Lords.

Return of the King's malady.

In the autumn of 1810 the King's malady returned, and became permanent. A Regency Bill, founded upon the precedent of 1788-9, was brought in, but discussions arose in both Houses as to the advisability of proceeding by resolutions. Mr. Francis Horner spoke ably in the Commons against proceeding by bill, while the Dukes of York and Sussex and all the other dukes of the blood royal advocated proceeding by address. This drew from the Lord Chancellor a declaration to the effect that an address from the two Houses to the Prince of Wales praying him to exercise the royal prerogatives during the King's life would be treasonable. Ultimately a Regency

Bill was passed, which received the royal assent by commission on February 5th, 1811. The Prince of Wales took up the government, although he had endeavoured in vain to modify the proposals in the bill. He now broke with his old Whig friends, and, contrary to expectation, made no change in the Ministry, Perceval being retained as Premier. In February, 1812, the term for which the regency was originally fixed expired, and the Prince of Wales assumed the full government of the country without restrictions.

The Regency Act.

The Ministerial changes from this period to the death of George III. may be briefly indicated. In 1812 a Ministerial crisis arose, and Lords Grenville and Grey were approached with the view of joining Perceval's Government. They felt unable to take office, however, unless Catholic emancipation could be obtained, and so remained in opposition. Lord Wellesley resigned, and Castlereagh became Foreign Secretary. On May 11th, 1812, Perceval was assassinated in the lobby of the House of Commons by Bellingham, who was immediately seized, tried, and executed. Parliament made a liberal provision for Perceval's family, and a monument was erected to his memory in Westminster Abbey. Perceval belonged to a narrow school, and was not a great statesman, but he was an able debater, a competent chief, and an excellent man. He was charged with not conducting the war with vigour—a charge which his relatives afterwards strongly denied—and his action with regard to the Orders in Council has also been animadverted upon. As we have seen, these orders were issued in 1806 for the purpose of crippling French trade, and Perceval continued them with great energy. Unfortunately they pressed so heavily upon American trade that shortly after Perceval's death the United States declared war against England. The Orders in Council were then revoked, but too late to avert hostilities.

The Ministry.

Assassination of Perceval.

War with America.

After Perceval's assassination, negotiations were entered into with Lord Wellesley and with Canning, and also with Grey and Grenville; but all these failed, and Lord Liver-

Lord Liverpool becomes Premier.

CHAP. III. The Reign of George III.

pool became Prime Minister. It was confidently predicted that the new Administration could not exist for six months, but it lasted for nearly fifteen years. Liverpool was First Lord of the Treasury, Castlereagh Foreign Secretary, Sidmouth Home Secretary, Vansittart Chancellor of the Exchequer, Palmerston Secretary-at-War, Eldon Lord Chancellor, and Peel Secretary for Ireland. Places were also given to Harrowby, Westmoreland, Melville, Huskisson, Robinson, and others. Huskisson took the department of Woods and Forests from 1814. The moving spirits of the Ministry were Castlereagh and Sidmouth. In 1816 Canning joined the Government as President of the Board of Control, but this post he resigned rather than remain in the Government during the trial of Queen Caroline.

His policy.

The policy of Lord Liverpool during the first ten years he was in office has been condemned alike by Liberal and Conservative critics. As evidence of its incompetent or despotic character, they have cited the abandonment of Poland, the partition of Saxony, the union of Holland and Belgium, the Austrian establishment in Italy, the alleged connivance of England in the suppression of the Neapolitan revolution, the mismanagement of the finances, and the imposition of the Corn Law of 1815, by which the importation of wheat for home consumption was positively forbidden when the price was under eighty shillings.

Castlereagh.

The leader of the House of Commons was Lord Castlereagh, whose foreign policy was a continuation of that traditional policy which had obtained since the Revolution of 1688, and whose main plank was the playing off of German alliances against our old enemies the French. He was one of the negotiators of the First Peace of Paris, in May, 1814, under which the only real advantage gained by England was the surrender of the Isle of France, in order to secure the route to India, Malta being retained for the same object. When the Holy Alliance was formed, in September, 1815, between Russia, Austria, and Prussia, Castlereagh refused to accede to it. The ostensible object of the Holy Alliance was to govern according to the

precepts of Christianity, but, as the Duke of Wellington remarked, "the British Parliament liked something more precise." The real object of the Alliance was to guarantee despotism against the insurrection of the subject. After the crushing defeat of Napoleon at Waterloo, the Second Peace of Paris was negotiated (November 20th, 1815), Castlereagh being still Foreign Minister of England. By this new treaty France was rigorously confined to its old boundary of 1790 and deprived of the additions granted by the treaty of 1814. No less than £28,000,000 was to be paid to the Allies for the expenses of the war, and, to guarantee the payment of this contribution, the fortresses of the northern frontier were to be occupied by the Allies for five years at the expense of France.

Second Peace of Paris, 1815.

From the year 1811 to the year 1820 the domestic peace of England was disturbed by serious riots and popular agitations. The working classes were suffering terribly from the war burdens, the high prices of food, restraints upon trade, and diminished employment. The Luddite outrages began at Nottingham in November, 1811, and extended during the following spring and summer through the counties of Derby and Leicester, and through Cheshire, Lancashire, and Yorkshire. The outrages were committed by bands of workmen, who went about destroying machinery, to the introduction of which they attributed the want of work consequent on the commercial depression. They gained their name from Ned Ludd, a Leicestershire idiot, who had made himself notorious by destroying stocking-frames thirty years before. Parliament took action, and in 1812 an act was passed "for the more exemplary punishment of persons destroying or injuring any stocking or lace-frames, or other machines or engines used in the framework-knitting manufactory, or any articles or goods in such frames or machines." The object of the act was to make the offence capital; but, notwithstanding this severe legislation, the outrages continued at intervals until July, 1816, when they broke out with greater violence than ever. Every lace machine in Loughborough was destroyed, and

The Luddite riots.

Severe legislation.

a few months later similar riots took place at Leicester. But from this period the Luddite riots took a secondary place in view of the more formidable political disturbances which marked the closing years of the Regency. The Home Secretary, Lord Sidmouth, who in personal character was amiable and humane, now began that stern and resolute policy which made his name hated by the masses of the people.

Corn riots.

On the passing of the unpopular Corn Bill of 1815 riots ensued in London and other places, but these were suppressed by the ordinary means at the disposal of the executive Government.

The Regent attacked.

When the Regent was attacked, however, on his return from the opening of Parliament in 1817, special repressive measures were proposed. A message from the Prince to both Houses was accompanied by papers containing evidence of seditious practices. These were referred to secret committees, which reported the existence of dangerous associations and the spread of seditious practices with which the existing laws were unable to grapple. Among other alleged treasonable societies, Hampden clubs were plotting revolution, while the Spenceans, who had arranged the Spa Fields meeting of December 2nd, 1816, were preparing to hunt down the owners of the soil and the "rapacious fundholders." Parliament now extended, for the benefit of the Prince Regent, the act passed in 1795 for the protection of the King from treasonable attempts; and another act was renewed to restrain the seduction of soldiers and sailors from their allegiance. Upon these measures all classes were agreed: but when it was proposed to extend the

Stringent acts passed.

acts of 1795 and 1799 against corresponding societies to other political clubs and associations, whether affiliated or not; to suppress the Spencean clubs, founded by the followers of a Communistic teacher named Spence; to regulate meetings of more than fifty persons; to license debating societies; and, lastly, to suspend the Habeas Corpus Act—these measures were opposed by the minority as encroachments upon liberty for which there was no adequate justification. Yet the

Government carried all their stringent proposals; and the numbers for the third reading of the Habeas Corpus Suspension Act in the Commons were 265 as against 103, in the Lords 150 to 35. This Act and some other measures expired in the following year, but new restrictive provisions were permanently added to the constitutional law. Public meetings were prohibited within a mile of Westminster Hall during the sitting of Parliament and the courts; and restraints were imposed on the appointment and co-operation of delegates from different societies to the London conventions, which had begun to assume the right of dictating to the Legislature.

Parliament and Public Meetings.

The Government blundered in their State prosecutions. Dr. Watson, Arthur Thistlewood, and others were indicted in 1817 for high treason, arising out of the riotous meeting in Spa Fields. Instead of being prosecuted for sedition and riot, of which they were guilty, they were tried for treason, of which they were not guilty, and acquitted. Three persons were executed for an insurrectionary movement in Derbyshire in the month of June, 1817.

State trials.

In the previous March the Home Secretary had issued the "Sidmouth Circular," addressed to the lords-lieutenants of counties, authorising magistrates to apprehend persons accused of libellous publications, and to proceed against the vendors of pamphlets and tracts under the Hawkers' and Pedlars' Act. In May and June the lawfulness and policy of this circular were discussed and questioned by Lord Grey in the Lords and Sir Samuel Romilly in the Commons. They argued that the power now ceded to the justices was not known to the common law, nor had it been conferred by statute or recognised by any express decision of the courts. Ministers replied that the law had been correctly expounded to the magistrates, and if disputed it could be tried before a court of law on a writ of *habeas corpus*.

The "Sidmouth Circular."

The repressive powers already in existence were mercilessly exercised against the press. William Cobbett, whose popular writings were detested and feared by the

Cobbett and Hone.

CHAP. III. The Reign of George III.

Government, had already suffered for the freedom of his utterances; so, rather than face a trial which he knew would be unjustly pressed against him, he went off to America for a time. William Hone, however, an obscure bookseller, was prosecuted for certain political squibs in 1817, and scored a distinct triumph over Ministers. Being poor, he ably conducted his own defence, and, notwithstanding all the efforts of Lord Ellenborough, he was acquitted, to the lasting grief and chagrin of the judge. Similar trials for libel and sedition took place in Scotland.

The "Manchester Massacre."

The state of feud between the Government and the people culminated in what is known as the "Manchester Massacre," or the "Peterloo Meeting." This gathering was the most celebrated of all the numerous meetings held throughout the country to discuss the state of the nation, and to advocate Parliamentary reform. It was held on August 16th, 1819, under the lead of a noted Radical reformer, "Orator" Hunt. Extensive military arrangements were made to prevent riot or disturbance. From forty to sixty thousand people marched into St. Peter's Field, then on the outskirts of Manchester, and the magistrates viewed the proceedings from a neighbouring house. When Hunt rose to address the crowd, the Chief Constable was directed to arrest him, but he could not get near the speaker. The Yeomanry were sent to his aid, but they were powerless. The 15th Hussars were then ordered to charge the people, which they did sword in hand. The meeting was broken up, and the field was soon strewn with the victims of the impetuous charge. Upwards of three hundred persons were injured, and five or six lives were lost. Great indignation was excited by this event, and the whole country was stirred. Meetings and petitions for inquiry followed, but Ministers remained unmoved, and even the Common Council of the city of London were rebuked by the Prince Regent for urging an inquiry. Earl Fitzwilliam was dismissed from his lord-lieutenancy for attending a meeting in Yorkshire called to demand inquiry. Hunt was arrested, tried, and imprisoned for his share in the Manchester meeting.

Debates in Parliament.

Parliament met in November, and Earl Grey in the Lords and Mr. Tierney in the Commons moved amendments to the Address reprobating all dangerous schemes, but urging the duty of giving just attention to the complaints of the people and the propriety of inquiring into the events at Manchester. The speakers advised conciliation, for if discontent were only responded to by force the Constitution must be suspended. But moderate counsels were scouted, inquiry was refused, and the Address was voted in the Lords by 159 to 34 and in the Commons by 381 to 150. Distinct motions for inquiry subsequently brought forward by Lord Lansdowne in the Lords and Lord Althorp in the Commons met with a similar fate.

The "Six Acts."

Ministers went further. Resolved on stamping out sedition, they introduced the famous coercive measures known as the "Six Acts." The first, which was brought forward by the Lord Chancellor, was an act depriving defendants in cases of misdemeanour of the right of traversing, the object being to prevent delay. The second, third, and fourth acts were introduced by Lord Sidmouth. The second prevented the training of persons in the use of arms and the practice of military evolutions and exercises; the third was for the more effectual prevention and punishment of blasphemous and seditious libels; the fourth authorised justices of the peace in certain disturbed counties to seize and detain arms collected and kept for purposes dangerous to the public peace, and the act was to continue in force until March 25th, 1822; the fifth act, introduced by Lord Castlereagh, was one to subject certain publications to the duties of stamps upon newspapers, and to make other regulations for restraining the abuses arising from the publication of blasphemous and seditious libels; the sixth act, also introduced by Lord Castlereagh, was one for more effectually preventing seditious meetings and assemblies out of doors, and this was to continue in force until the end of the session of Parliament next after five years from the passing of the act. The Whigs and

Radicals stoutly opposed these severe measures, but they were supported by the whole strength of the Government and the Tories, and passed with but few modifications. These reactionary measures may justly be stigmatised as panic legislation, the result of distrust of the people.

The Catholic claims.

During the progress of these events the two important questions of the Catholic claims and Parliamentary reform were again frequently discussed in Parliament. With regard to the former, in 1812 the aspect of the Catholic difficulty changed, and it became an "open question" with the Ministry. Canning now declared himself in favour of the Catholic claims. Abortive motions had been brought forward by Grattan and Lord Donoughmore in the early part of the session of 1812, but on June 22nd Canning gained an unexpected victory on this very question. His motion for the consideration of the laws affecting Roman Catholics was carried by the extraordinary majority of 129, the numbers being 235 to 106. A similar motion by Lord Wellesley in the Upper House was only lost by one vote—126 to 125. In February, 1813, Grattan moved in committee of the whole House the immediate consideration of the laws affecting Roman Catholics. He was supported by Castlereagh and opposed by Peel, and after a brilliant debate extending over four nights the resolution was carried by 264 to 224. A further resolution, brought forward by Grattan on March 9th, affirming the advisability of removing the civil and military disqualifications of the Catholics, was opposed by Mr. Speaker Abbot, but carried by 186 to 119 votes. Grattan next brought in a bill founded upon his resolution. It provided for the admission of Catholics to either House of Parliament, and permitted them to vote at elections and to hold office under certain conditions. It passed its second reading by 245 to 203, but in committee its principal provision was lost by a majority of four, on Speaker Abbot's motion, and the bill was abandoned. During the session, however, the Duke of Norfolk's bill was passed enabling Irish Roman

Catholics to hold all such civil or military offices in England as by the act of 1793 they were entitled to hold in Ireland. In 1815 Sir H. Parnell's motion for a committee to consider the Catholic claims was rejected by 228 to 147, and a similar motion by Lord Donoughmore in the Lords was lost by 86 to 60. Grattan again brought forward the question in 1816, but was defeated by 172 to 141, and on repeating the motion in 1817 the numbers were 245 against to 221 in favour. Similar motions by Lord Donoughmore in the Lords were rejected by 73 to 69 in 1816 and 142 to 90 in 1817. In the latter year, however, a distinct concession was gained by the passing of the Military and Naval Officers' Oaths Bill, introduced by Lord Melville. It was simply intended as a measure of regulation, and escaped the animadversion of the ultra-Protestants. This act virtually opened all ranks in the army and navy to Roman Catholics and Dissenters. Thus, as Lord Farnborough observes, "a measure denounced in 1807 as a violation of the Constitution and the King's coronation oath was now agreed to with the acquiescence of all parties." In 1819 Grattan's motion for a committee to consider the Catholic claims was lost by 243 to 241, and Lord Donoughmore's motion in the Lords by 147 to 106. In May of the following year Grattan, the pure-souled Irish patriot, died. Here we must pause in our sketch of the movement of which he was the honoured and unselfish leader.

Officers' Oaths Bill.

Death of Grattan.

The cause of Parliamentary reform, which had languished for some years, was taken up in 1817 by Sir F. Burdett (chairman of the Hampden Club of London), but his motion in favour of reform was lost by 265 to 77. Nothing daunted, in the session of 1818 he proposed resolutions in favour of universal male suffrage, equal electoral districts, vote by ballot, and annual Parliaments. He was seconded by Lord Cochrane, but found not a single supporter besides, the division showing the following extraordinary result: 106 to 0. On July 1st, 1819, Burdett's motion "That the House will consider the

Parliamentary Reform.

Extraordinary Division.

CHAP. III. The Reign of George III.

question of reform in the following session" was rejected by 153 to 58.

Insolvent debtors.

The general course of legislation from 1812 to 1820 demands some attention. A bill for the relief of insolvent debtors was passed in 1812, and as a result of this salutary measure during the next thirteen years upwards of fifty thousand such debtors were set free from prison.

Dissenting Ministers.

In 1812 the Protestant Dissenting Ministers Bill was passed, by which the persons aggrieved were relieved from the oaths and declaration required by the Toleration Act and the act of 1779, and from other vexatious restrictions. Unitarians also obtained relief from various penalties in the session of 1813.

The Income Tax.

In the session of 1816 Ministers proposed to continue half of the income tax—that is, to reduce it from 10 to 5 per cent.; but a strong agitation ensued, and the House of Commons swept away the tax altogether by a majority of 37 votes.

Civil List.

During the same session the Civil List was again regulated, and £60,000 a year was voted to the Princess Charlotte on her marriage with the Prince of Saxe-Coburg. To the great grief of the nation, however, the Princess died in the following year, after the birth of a dead child.

Bill of Indemnity.

In March, 1818, there was brought forward in the Lords a Bill of Indemnity for those who had been engaged in arrests on suspicion or in the dispersal of meetings since January 26th, 1817. It was warmly and repeatedly debated in both Houses, but passed its third reading in the Lords by 93 to 27. Lords Lansdowne, Erskine, Holland, and seven other peers entered a strong protest on the journals against the measure, to the effect that there had never been a widespread traitorous conspiracy; that the ordinary laws were sufficient for restoring tranquillity; that Ministers were not entitled to a general indemnity until the numerous cases of imprisonment had been thoroughly investigated; that illegal and malicious proceedings were protected by the bill and had been systematically encouraged under it. In the Commons the bill was opposed by Romilly, Brougham, and Tierney,

the last-named describing it as one of the most detestable measures ever introduced into Parliament; but the third reading was carried by 82 to 23. Brougham did good service in the cause of education this session by promoting inquiry, and Sturges Bourne in this and the following session by amending the poor laws. The noble-hearted Romilly had already procured some ameliorations of the oppressive criminal laws, including the repeal of a statute which made stealing from the person punishable by death; but when he endeavoured this session to carry a bill for abolishing the penalty of death for the crime of stealing from a shop goods valued at five shillings, his measure was thrown out in the Lords, on the motion of Lord Chancellor Eldon! Brougham and Romilly endeavoured to repeal the Septennial Act, but were defeated by 117 to 42. Parliament voted this session the large sum of £1,000,000 for the building of new churches, and it also made grants in connection with the marriages of the royal dukes.

Education.

Poor laws.

Criminal code.

The Alien Act was again renewed this year, having been previously renewed in 1816, after strong opposition. The Whigs now contested it with the greatest obstinacy at every step, but it passed by 94 to 29, and was then carried through the Lords, together with a supplementary act affecting the naturalisation of foreigners.

The Alien Act.

On June 10th, the day after the second Alien Act passed, the Prince Regent went down to the House of Peers and suddenly dissolved Parliament. This was an unprecedented proceeding in later constitutional times, and there was no parallel to it since Charles II. had angrily dismissed his Oxford Parliament in 1681. Ministers were anxious for a dissolution, because it still remained the law that Parliament should reassemble either on the demise of the Crown or the death of the Regent, and the former event was likely to happen any day. In that case the existing Parliament would have been revived, even notwithstanding a dissolution, if the day appointed by the writs of summons for the assembling of a new Parliament had not arrived before the King's

Parliament suddenly dissolved.

CHAP. III. The Reign of George III.

death took place. In the ensuing elections the Opposition somewhat improved their position.

Care of the King.

After the new Parliament met in January, 1819, fresh arrangements were made for the care of the King's person in consequence of the death of the Queen, and the Duke of York was appointed to succeed her. Warm debates took place over the Royal Household or Windsor Establishment Bill, Tierney and others strongly objecting to the £50,000 allowed for the Windsor establishment. Ministers carried their proposals, however, by 281 to 186 votes. Mr. Peel, who had just been appointed chairman of the Bank Committee, next brought forward his important proposals for the resumption of cash payments by the Bank of England. They were debated at length, but ultimately adopted, and bills founded upon them were introduced by Mr. Peel and the Chancellor of the Exchequer. These were carried through, and the Bank began to make cash payments in exchange for its notes, of whatever amount, some time before the date specified in the acts.

Cash payments.

Foreign Enlistment Act.

The Foreign Enlistment Act was a measure hotly debated, but its third reading was carried by 190 to 129. The act forbade British subjects to take service with a foreign State without a royal license, and also prohibited the equipment of ships to be used against a Power with which England was at peace. Acts were also passed ratifying the treaties concluded with Holland and Portugal for the suppression of the slave trade.

Prorogation of Parliament.

Parliament was prorogued on July 13th, but it reassembled on November 23rd following, in consequence of the events at Manchester already described. After the Six Acts had been passed, the Houses adjourned on December 29th to February 15th, 1820.

Death of George III.

But before Parliament again assembled the long and eventful reign of George III. had come to a close. The aged and afflicted monarch died at Windsor on January 29th, 1820, in the eighty-second year of his age and the sixtieth of his reign. The age of George III. was made illustrious by its great military and naval captains, by its

men of science and letters, and by its statesmen and Parliamentary orators. The King himself alone prevented his reign from being one of the most glorious in our annals. Though admirable in all the relations of private life, his political prejudices and arbitrary principles of government were great hindrances to constitutional government. The wars of the reign increased the National Debt from £138,000,000 to upwards of £800,000,000; but fortunately the trade and commerce of the country advanced by equal strides. During the closing years of this monarch's rule popular forces were at work which, though crushed for the time, were destined to make themselves felt, in the reigns of succeeding sovereigns, in the extension of the bounds of civil and religious freedom.

BOOK XII.

THE IRISH PARLIAMENT FROM ITS ORIGIN TO THE UNION.

CHAPTER 1.

THE IRISH PARLIAMENT TO 1782.

Early Irish history.

The Irish people are undoubtedly a very ancient race, but when we attempt to trace their early history, we are at once lost in the mazes of legend and romance. Certain Irish writers have professed to trace the Milesian records to a period almost coeval with the Deluge, but in a work which endeavours to ascertain the solid facts of Irish government we may be reasonably excused for beginning our researches long after that period. A theory now generally accepted is that the Irish are descended from one of the Celtic tribes which occupied Gaul and Britain some centuries before the Christian era; and many antiquaries affirm that the Irish were the parent tribe that planted the Celtic colony in Scotland at a date considerably later than the original settlement in Ireland.

St. Patrick.

With the life and career of St. Patrick in the fifth century of the Christian era the authentic history of Ireland may be assumed to commence. Born in Scotland, St. Patrick was carried as a slave to Ireland, whence he escaped to Rome, where he rose high in the service of the Church. Returning to Ireland, he succeeded in converting the whole island to Christianity. Ireland was at this time divided into septs or clans, each sept bearing the name of the head of the family. All the septs owed allegiance to the chief king. The chieftainships were

Septs

CHAP. I. The Irish Parliament.

elective, and during the lifetime of each chief his successor was chosen from the same family, and was called the Tanist. All the land was held by the septs for the benefit of the people, and there was no feudal condition and no system of primogeniture.

The Brehon Laws.

What are known as the Brehon laws formed the system of jurisprudence which prevailed among the native Irish from a very early period till towards the middle of the seventeenth century. These laws received their name from the *breitheamhuin* (pronounced *brei-hoo-in* or *brehon*), who were supposed to have been hereditary judges, and who administered justice upon the members of their tribe seated in the open air upon the hillside. As was the custom in many other states in the early stages of civilisation, the Irish laws admitted a fine or composition for murder instead of capital punishment, and this was divided between the kindred of the slain and the judge. Portions of manuscript collections of the Brehon laws are preserved in the libraries of the Royal Irish Academy, Trinity College, Dublin, the Bodleian, Oxford, and the British Museum. These manuscripts date from the fourteenth to the end of the sixteenth century, but the laws themselves have a much higher antiquity. The redaction of them in their existing form has been attributed, rightly or wrongly, to the learned Cormac MacCuilleanain, King and Archbishop of Cashel, who was slain in 903 A.D. The recension of the code known as the Seanchus Mor is traditionally ascribed to St. Patrick, who is said to have expunged from the laws all institutions savouring of heathenism. The laws were written in ancient Irish. The basis of society as existing in Ireland from the earliest historic times was the tribe, and the principal occupations the pasturage of cattle and tillage of the soil. The community embraced monarchs, provincial kings, chiefs, proprietors, clansmen, and serfs of an alien race. The land was divided into two parts; one was common pasture-ground, and the other was portioned out among the chiefs and other tribal dignitaries, with the poorer clansmen and serfs holding as tenants under a

proprietor. Money was unknown, fines and valuations being represented by so many head of cattle. The laws embodied regulations for the fostering of the children of the nobles, for their food and education, their dress and its quality, together with ordinances touching the holding of courts and the giving of evidence. Remains of pagan customs survived in the laws of marriage and magical ordeals.[1]

Provincial kingdoms.

Ireland was divided into five provincial kingdoms—Leinster, Munster, Ulster, Connaught, and Meath—one of whose sovereigns was chosen King of Ireland in some general meeting, probably of the nobility or smaller chieftains and of the prelates. The character of this national assembly cannot be accurately defined, though it is said to have been held triennially. The supreme monarch received tributes from the inferior kings, and was their head in the defence of the country against invasion; but the Constitution was federal, and each king was an independent ruler.[2]

Norman invasion of Ireland.

Civilisation had made but little progress in Ireland by the beginning of the twelfth century. Slavery was universal, and the people, while superstitiously impressed by religion, retained many of the attributes of a barbarous nation. The clergy were numerous and influential, and independent of Rome, and the government of the country was almost exclusively aristocratic. The Norman invasion of Ireland began in 1169, with the landing of Robert FitzStephen and Maurice Fitzgerald; the famous "Strongbow," Richard de Clare, followed in 1170, and Henry II. completed the conquest in 1172. Pope Adrian IV. had issued a bull authorising Henry to assume authority over Ireland, in order that she might be made more submissive to the ecclesiastical direction

[1] *Ancient Laws and Institutes of Ireland*, Irish Rolls Series; *Manners of the Ancient Irish*, by Eugene O'Curry; *Annals of the Kingdom of Ireland by the Four Masters*; and articles "Ireland" and "Brehon Laws," *Chambers's Encyclopædia*, 1888-90.

[2] *Antiquities of Ireland*, by Sir James Ware; Hallam's *Constitutional History*, chapter "On the Constitution of Ireland."

CHAP. I. The Irish Parliament.

of Rome. Henry introduced his own system of government, divided the island into counties, and set up courts of justice in Dublin. He made large grants of land to the Norman barons, but allowed the native Irish to keep to their Brehon laws. The English, however, ignored the rights of the tribes; and from this time dates the feud between the two races. Henry gave charters of privilege to the chief towns, and probably assembled Parliaments. His policy was continued by his successors; John sent over the Great Charter to Ireland; and the whole common law became the birthright of the Anglo-Irish colonists. In course of time powerful palatine counties sprang up, which formed by far the greater portion of the English territories; and in these the King's writ could only run within the lands belonging to the Church.[1]

Policy of Henry II.

Irish and English.

As time went on the Irish were regarded by the English as aliens and beyond the pale of English justice. They appealed to the representatives of the English Government in Dublin, who were disposed to assist them, but obstruction arose from the Anglo-Irish Parliament, whose concurrence was necessary to every general measure. In 1278 a number of septs, calling themselves "the Community of Ireland," offered eight thousand marks for the privilege of living by the English law. Edward I. authorised the justiciary of Ireland to grant the request, if it could be done with the general consent of the prelates and nobles of Ireland; but the aristocracy withheld their assent. The Irish suppliants renewed their applications both to Edward I. and Edward III., but the oligarchy were obdurate. Many Irishmen, however, it must be stated, adhered to the old elective Brehon laws of tanistry, which they preferred to the English custom of hereditary succession. The English and Irish races were for centuries very distinct; and that part of Ireland which was *de facto* subject to English law began to be called the Pale in the fifteenth century.

The Pale.

[1] *A Discoverie of the State of Ireland*, by Sir John Davies (1613).

Gradually, nevertheless, numbers of the English settlers began to assimilate Irish speech, dress, and manners. They also intermarried with the Irish, and connected themselves with them by the national customs of fostering—that is, the changing of their own children for others—and gossipred or compaternity, which customs did more to denationalise the invaders than anything. An Irish statute 25 Henry VI. was very strong against English settlers who adopted the Irish style of dress and manner of wearing the hair. Many great families, such as the De Burghs or Burkes of Connaught, and the Desmonds, a younger branch of the house of Geraldine or Fitzgerald, became almost independent of the Crown, acted as Irish chiefs, and neither regarded the King's summons to his Parliaments, nor paid any obedience to his judges. Irish Parliaments were frequently summoned, and for all-important purposes, such as granting subsidies and enacting statutes, they were as necessary in the sister island as they were in England.

Assimilation of Irish customs.

The first properly constituted Parliament of Ireland was that summoned by Sir John Wogan in 1295. Wogan was an able deputy, who, by his wise and conciliatory policy, brought about a truce for two years between the Geraldines and their enemies. In the year above named —the same year which witnessed the summoning of Edward's model English Parliament—he summoned a Parliament to meet at Kilkenny. Writs were issued to the Lords spiritual and temporal, and to the sheriffs directing them to return two knights for each of the counties. The roll of this Parliament contains only twenty-seven names, Richard, Earl of Ulster, heading the list; but the ordinances it enacted had the merit of having maturely weighed the public grievances, not without some real intention of providing effectual redress. Excellent ordinances, however, were fatally frustrated by the more powerful action of the King's corrupt servants. It was enacted that tenants of every degree should provide according to their rank towards a militia, that

The first Irish Parliament.

CHAP. I.

The Irish Parliament.

absentees should contribute out of their Irish revenues to that establishment, and that settlers who refused to assist the Government in repelling disaffection or invasion should pay damages to their suffering neighbours. In future no lord was to make war but by license of the chief governor or by special mandate of the King. Several wholesome subordinate ordinances were passed by the express order of Edward I., and it was further enacted that the moment hostilities commenced the country attacked should rise instantly. For the purpose of preventing any mistake between Englishmen and Irishmen (for killing the latter there was no punishment), it was directed that all Englishmen should conform strictly to the garb and tonsure of their own countrymen, on pain of seizure of their lands and chattels, and imprisonment of their persons. Lastly, two lords in every county and liberty in which Irishmen were resident were, in the absence of the chief governor, vested with full power to treat with the Irish in all matters in which the public tranquillity was concerned. These orders effected some temporary good, but they never effectually put an end to the disorders of the realm.[1]

Legislation of Edward II.

Edward II., though a worthless king so far as England was concerned, is regarded by many Irish historians as a better legislator for Ireland than any of his predecessors. He caused to be passed many salutary statutes and ordinances for the better government of the country. The earliest Irish statutes on record—those of the year 1310—belong to his reign. After this the records are lost till 1429, but we have other sources of information concerning the numerous intervening Parliaments. The statutes of 1310 testify to the degeneracy of the English lords, and to the genuine desire of Edward's feeble government for the reformation of abuses. The first act was one to restrain great lords from taking of prises, and lodging

[1] *History of Ireland from its Invasion under Henry II. to its Union with Great Britain*, by Francis Plowden; and *The History of Ireland, Ancient and Modern*, by Martin Haverty.

and sojourning with the people of the country against their will. It was also decreed that none should keep idle people nor foot-soldiers in time of peace to live upon the poor of the country, but that those who had them should keep them at their own charges. The statute further restrained great lords and others, except such as had royal franchises, from giving protections, which they used to compel people to purchase; and it directed that there should be commissions of assize and gaol delivery through all the counties of Ireland.

Burgesses.

Obscurity prevails as to the time when burgesses were admitted to the Irish Parliaments, but it was probably not earlier than the time of Edward III. They appear in 1341, when Edward's Lord Deputy, Sir John Morris, brought forward sweeping measures for breaking down the ascendency of the great Anglo-Irish lords. Great excitement prevailed over these measures, and in order to allay it the Lord Deputy summoned a Parliament to meet at Dublin in October, 1342; but the Earl of Desmond and many others peremptorily refused to attend, and held a general convention or assembly of their own at Kilkenny in November, to which were summoned deputies from various corporations. This rebel Parliament adopted a long and spirited remonstrance to the King, setting forth the rights which they had inherited from their ancestors, their claims to the royal favour and protection, and the injustice of the ordinances now issued against them. Edward's reply was generally favourable; he confirmed the grants of his predecessors, and restored those lands granted by himself which had been resumed where there had been sufficient cause for the original gift. In an ordinance of 1359 the Commons are clearly specified as an essential part of Parliament; but Coke was of opinion that before this time "the conventions in Ireland were not so much Parliaments as assemblies of great men." Theoretically this view may not be strictly correct, but practically no doubt it is so.

The Anglo-Irish lords.

The Commons in Parliament.

Coyne and livery.

The ancient customs of coshering and coyne and livery spread rapidly among the Anglo-Irish, and were practised

CHAP. I.

The Irish Parliament.

by such retrograde chiefs as the Geraldines and the De Courcys. Coshery was the right which a chief had of using the houses and taking the provisions of his tenantry for himself and his following at his own discretion. It went on till long after the time of Cromwell, and numerous statutes failed to suppress it. Coyne and livery was also an ancient right which enabled the lord or chief to quarter his soldiery on his tenants. The Irish name for it was *bonaght*. So widely was it adopted by the Norman settlers that the loyal Butlers and both branches of the house of Fitzgerald practised it. The Irish Parliament frequently complained of the custom, and it was legislated against in 1367, made treason in 1409, and ultimately abolished in 1603.

The Statute of Kilkenny.

In 1367 Lionel, Duke of Clarence, held the memorable Parliament of Kilkenny, the most numerous assembly of the kind which had hitherto met in Ireland. It passed the famous and very severe Statute of Kilkenny, which was intended to check the degeneracy of the Anglo-Irish. The following were its chief provisions: the prohibition of intermarriages between the English and the natives, of gossipred, and the adoption of the Brehon laws by the English, who were likewise forbidden to make war on the natives without the authority of the State. Those of English race were forbidden to assume an Irish name, dress, language, or customs; while no Irish were for the future to pasture their cattle on English ground or to be admitted to any religious house or benefice. Breaches of these provisions entailed the penalties of high treason. Further, no Irish were to be called in as minstrels, and the practice of coyne and livery was strictly forbidden. The statute was exclusively Anglo-Irish, and where it dealt with the natives it was only to protect them from the lawless baronage. After the Scots invasion of Ireland by Edward Bruce in 1315, the government of the country had become completely demoralised, and between this period and the meeting of the Kilkenny Parliament a good deal of the north of Ireland, and even part of the south, was entirely lost to England.

In the beginning of the reign of Richard II. England began to think of the recovery of Ireland. The first stringent statute against absenteeism was passed, commanding all persons who possessed lands, rents, or other income in Ireland to return and reside there, on pain of forfeiting two third parts of the profits thereof. The King made his favourite Robert de Vere Duke of Ireland, and gave him absolute and entire regal dominion over the realm. Richard himself visited Ireland, and the princes did him homage, but after his departure they threw off their submission. The Duke of Lancaster, Lord Lieutenant in Henry IV.'s reign, held several Parliaments in Dublin, and during his rule the first idea of plantations in Ireland was broached. By the laws of Henry VI. it was made a felony for any subject of the King to sell merchandise in a fair or market among the "Irish enemies"—that is, Irish living beyond the bounds of the English Pale. By a law 5 Edward IV., 1465, any Irishman found without "a faithful man of good name in his company in English apparel"—and whom an Englishman should choose to suspect of being a thief or an "intended" thief—might be lawfully slain. A Parliament held in 1475 enacted a law by which any Englishman who suffered injury from a native Irishman belonging to an independent sept might reprise himself on the whole sept or nation. Besides these severe laws against the native Irish, there were others against the Anglo-Irish. In 1438 a law passed in England obliged all persons born in Ireland to quit the former country within a certain time, except graduates of universities, etc.; while another statute made in Ireland prevented persons from emigrating into England. Such legislation of course served to perpetuate the hostility between the two races.

Laws of Richard II.,

of Henry VI.,

and of Edward IV.

By Henry VII.'s time English authority over Ireland had reached its lowest point; and it appears from Leland, Holinshed, and other writers that the real supremacy of the English laws was possibly not established beyond the counties of Dublin and Louth, or from Dublin to Dundalk on the coast, and for about thirty

Ireland under Henry VII.

CHAP. I. The Irish Parliament.

miles inland. It consequently became necessary to make the subjection of the country, so far at least as the settlers of the Pale were concerned, something more than a mere name. Sir Edward Poynings, a distinguished military officer, was sent over as Lord Deputy; and he succeeded in quelling the native Irish rebels in Ulster and along the borders of the Pale. The eastern portion of the island was quite restored to order; but Poynings' government was made specially famous by the passing of the statute known as Poynings' Act in 1495. This act contained provisions to restrain the lawlessness of the Anglo-Irish within the Pale and to confirm the royal sovereignty. All private hostilities without the Deputy's license were declared illegal, but to excite the Irish to war was made high treason. Murders were to be avenged by legal process, and not by pillaging and the exaction of fines. The citizens or freemen of towns were prohibited from receiving wages or becoming retainers of lords and gentlemen; and, to check the power of the freemen, none who had not served apprenticeships were to be admitted as aldermen or freemen of corporations. The requisitions of coyne and livery were again forbidden, and the statutes of Kilkenny were renewed and confirmed. All the chief officers of state and the judges were to hold their patents during pleasure, instead of for life, as before. But by far the most important provisions were those which enacted that all existing English laws should be in force in Ireland, and that no Parliament should be held in Ireland without the sanction of the King and Council, who should also be able to disallow statutes passed by the Irish Houses. These provisions practically annulled the legislative independence of the English colony in Ireland, and—as they remained in force for nearly three centuries—proved to be one powerful means for maintaining the subordination of the island.[1]

Poynings' Law.

The Earls of Kildare.

The Earls of Kildare were the most powerful Irish subjects of the Crown in the latter half of the fifteenth

[1] *Irish Statutes* and Plowden's *History*.

and the former half of the sixteenth century. The eighth and ninth earls were successively appointed Lord Deputy by Henry VII. and Henry VIII., and many romantic stories are related of them and their government. Their administration of affairs was on the whole successful, but the country was unfortunately kept in a state of constant agitation, owing to their hereditary feud with the Butlers.

The Reformation in Ireland.

A Parliament held at Dublin in May, 1536, imposed the Reformation on Ireland. Henry VIII. was declared supreme head of the Church in Ireland ; all appeals to Rome in spiritual cases were taken away ; the English laws against slandering the King, together with the provisions for payment of first-fruits to him, were enacted and confirmed ; the authority of the Bishop of Rome was solemnly renounced, and the maintainers of it in Ireland made subject to a *præmunire* ; and officers of every kind and degree were required to take the oath of supremacy, under the penalties of high treason. The Irish Parliament also followed that of England with regard to the King's marriages and his acts of attainder. In the Parliament of 1542 Ireland was raised to the dignity of a kingdom, and instead of the old title of Lord of Ireland Henry was now created by statute King of Ireland. One salutary statute was passed this session directing that electors in future were to be possessed in freeholds of forty shillings a year ; and that such as were elected for counties, cities, and towns, should be resident in the places for which they were elected. Another act, however, empowering the Privy Councillors upon the death, resignation, or recall of a deputy, to appoint *ad interim* an English governor, created fresh jealousies amongst the Irish. Other acts passed under Henry, again prohibited intermarrying or fostering with the Irish, and enjoined the use of the English dress and language. The Irish clergy, under the lead of Cromer, the Primate, resisted the Act of Supremacy, and they were supported by many of the Lords and Commons, but their opposition was borne down by the Government.

CHAP. I.

The Irish Parliament.

Edward VI.

In the reign of Edward VI., when the Reformation legislation was even more vigorously continued, the opposition of the Irish Catholics was renewed; and as it was dangerous to summon a Parliament, the English liturgy was imposed by royal proclamation. The legal establishment of the Reformation was not completed in Edward's reign, and upon Mary's accession the Catholic religion was restored. Mary's civil administration, however, caused dissatisfaction in Ireland.

Elizabeth completes the Reformation.

Elizabeth, on coming to the throne, first established the Protestant faith securely in England, and then turned her attention to Ireland. She sent over as Lord Deputy the able and energetic Earl of Sussex, who called an Irish Parliament in 1560. It is a singular circumstance that, while the peers in this Parliament almost unanimously declared in favour of the old religion, the great majority of the bishops acquiesced in the creed of the English Court. Pains were taken to secure a majority in the House of Commons, and out of twenty counties then in existence only ten received the writ of summons. The towns supplied by far the larger share of the seventy-six representatives forming the Lower House, and the Government influence over the members was predominant. Nevertheless Sussex encountered considerable opposition, although he carried the desired legislation. The English laws of supremacy and uniformity were imposed. Instead of the Mass the Common Prayer was set up, but with the curious reservation that in those parts of the country where the minister was unacquainted with the English language the service might be conducted in Latin. All subjects were ordered to attend the new worship of the Church, other forms being interdicted.[1] These changes were viewed with great hostility. The Papists denounced the Queen as a heretic; the non-conforming clergy abandoned their cures, and no reformed ministers could be found to supply them; while the statutes recently made were evaded or neglected with impunity.

[1] *Irish Statutes*, Leland's *History of Ireland*, and Hallam's *Constitutional History*.

Under these circumstances, a Parliament was summoned by Sir Henry Sidney in 1569. It revealed a strong party opposed to the Crown. Complaints were made of the irregular returns of members. The chief complainant was Sir Christopher Barnewall, a favourite of the old English race, who was supported by Sir Edmond Butler and the whole real landed interest of the kingdom. It was alleged that members had been returned for towns not incorporated, that several sheriffs and magistrates had returned themselves, and that numbers of non-resident Englishmen had been returned for places they had never seen. The judges, on being appealed to, declared that those returned for towns not incorporated, and the magistrates who had returned themselves, were incapable of sitting in Parliament; but they decided in favour of the non-resident burgesses, which still left a majority for the Court. Hooker, an Englishman who had been returned for Athenry, and who had already sat in the English Parliament, raised a great storm of indignation by an uncompromising speech in favour of the royal prerogative, which was by no means so sacredly regarded in Ireland as in the sister country. The Irish felt wounded by the proceedings against the famous rebel Shane O'Neil, who was nearly as formidable in the early years of this reign as his kinsman Tyrone was towards its conclusion. O'Neil was attainted, and his name extinguished, and the county of Tyrone and other portions of Ulster were vested in the Crown. Provision was made for the reduction of the whole island into shires, and Connaught, hitherto indivisible, was partitioned into five counties.

Irregularities in the representation.

Shane O'Neil.

In 1576 Elizabeth arbitrarily ordered Sir Henry Sidney to impose by the mere authority and order of Council, without the assent of Parliament, a new tax by way of composition for the charge of purveyance, which amounted to about £12 for every plough land. This attempted subversion of the popular liberties led to serious discontent. Agents were sent from Parliament to memorialise the Queen in person, but, instead of obtaining

Arbitrary taxation.

CHAP. I.

The Irish Parliament.

redress, they were committed to the Fleet Prison. The clamour in Ireland waxed so great, however, that Elizabeth, who had received intimation that the King of Spain was ready to throw troops into Ireland, abandoned the obnoxious legislation, and accepted a voluntary composition for seven years.

Free schools, etc.

Among scholastic and ecclesiastical acts passed under Elizabeth, one statute provided for the erection of free schools in every diocese, under English masters, the ordinary paying one-third of the salary and the clergy the rest. Another act enabled the Archbishop of Armagh to grant leases of his lands out of the Pale for a hundred years, without the assent of the Dean and Chapter, to English tenants. English and Protestant interests had so little influence in the north that the Pope created three bishops—Derry, Clogher, and Raphoe—and two of these prelates were even summoned to Parliament in 1585.

Perrot.

Sir John Perrot, a deputy sent over in 1584, was distinguished for his prudent administration, and the country became comparatively calm under his rule. In

Attainder of Desmond.

the session of 1586 a bill for the attainder of Desmond was passed, and his vast estates, computed at 574,628 Irish acres, were forfeited.

The Plantation system.

When Elizabeth introduced the system of planting, the country again became agitated by disastrous contests; but Lord Deputy Mountjoy seized the opportunity afforded by her death for concluding the pacification of Tyrone. Among those who acquired estates under the plantation system were Sir Walter Raleigh and Edmund Spenser. The *View of the State of Ireland*, written by the author of the *Faerie Queene*, is invaluable for the light it throws upon the condition of Ireland at this period, but it is marred by its recommendation of a policy of extreme severity in dealing with the native Irish.

James I.'s legislation.

The reign of James I. was a very important one in the constitutional history of Ireland. He at first endeavoured to ingratiate himself with the Irish, and issued an Act of Oblivion and Indemnity. This was followed by the

Commission of Grace, for securing the subjects of Ireland against all claims of the Crown. At the same time the compulsory statutes touching supremacy and uniformity were much better enforced than in the previous reign. The new administration also did much to perfect the reduction of Ireland into a civilised kingdom and to bring it within the operation of the law, so that the King's writ might have free course.

Plantation of Ulster.

James instituted his favourite system of plantations, which was chiefly carried out by his Lord Deputy, Sir Arthur Chichester, a man of comprehensive judgment and signal business capacity. Upwards of 500,000 acres of forfeited lands were made the foundation of the flourishing colony of Ulster, and other settlements followed. In 1613, after Ireland had been without a Parliament for twenty-seven years, James summoned one for the ostensible objects of supporting the plantation lately made, removing grievances, repressing discontent, and securing the administration against the turbulent and disaffected. Means were taken to secure a large docile Protestant majority, and the Catholic party seceded for a time from Parliament. The policy of James tended still further to alienate the Irish people; and to the two leading grievances of this period—the stern application of the penal laws against recusants and the inquisition into defective titles—historians trace the originating causes of the rebellion of 1641.[1]

State of the Parliamentary representation.

With regard to the Parliamentary representation of Ireland in the seventeenth century, it appears that in seventeen counties out of the thirty-two into which Ireland was finally parcelled, there was no town that returned burgesses before the reign of James I., and the whole number in the rest was not more than thirty. James created some forty boroughs or more, and the number of the Commons in 1613 was 232. From time to time it received augmentations, until it reached the

[1] Carte's *Life of Ormonde*; Leland's *History*; *Desiderata Curiosa Hibernica*, etc.

CHAP. I.

The Irish Parliament.

high figure of 300 in 1692. But the extensions of the franchise were not made in the popular interests, and in the eighteenth century at least two-thirds of the members of the Irish House of Commons were slavishly returned by the tenants of the aristocracy. The Irish House of Lords in 1634 numbered 122, and those present in Parliament that year were 66. In addition to voting, they had the privilege of protesting by proxy, and those who sent none were sometimes fined.[1]

Sequestration of Connaught.

Among the many dark passages in Irish history the treatment of the province of Connaught enjoys an evil pre-eminence. Both under Elizabeth and under James the Irish had fulfilled the conditions required of them by surrendering their estates to the Crown and receiving them back by a legal tenure. Owing to negligence, however, the grants were not duly enrolled in chancery, and Charles I. and his council infamously took advantage of this flaw to declare the whole country forfeited, in order to form an extensive plantation like that of Ulster. Strong remonstrances were made against this proposed act of injustice, and Charles agreed to a composition with his Irish subjects. The latter were to contribute voluntarily £120,000 in three years by equal payments, in return for certain graces which the King was to bestow. These concessions were to secure the subject's title to his lands against the Crown after sixty years' possession, with leave to the people of Connaught to enrol their grants, and the settlers in Ulster and other places were also to be relieved from the penalties they had incurred by a similar lapse. The Council chamber was to be restrained from meddling with private causes; and the oppression of the Court of Wards, the encroachments of military authorities, and excesses by the soldiery, were forbidden. Free trade was allowed with the King's dominions and with friendly nations. Recusants were permitted to sue for livery of their estates in the Court of

[1] Lord Mountmorres's *Principal Transactions of the Irish Parliament.*

Wards and to practise in courts of law on taking an oath of mere allegiance instead of that of supremacy, while unlawful exactions and severities on the part of the clergy were prohibited. As Hallam has justly remarked, "these reformations of unquestionable and intolerable evils, as beneficial as those contained nearly at the same moment in the Petition of Right, would have saved Ireland long ages of calamity, if they had been as faithfully completed as they seemed to be graciously conceded"; but Charles acted most perfidiously, and he was seconded by his brilliant but unscrupulous and despotic viceroy, Wentworth, Lord Strafford.

Perfidious conduct of Charles and Wentworth.

A Parliament was called, as promised, to confirm the graces, but as the rule established by Poynings' law that no Parliament should be held in Ireland until the King's license was obtained had not been observed, the writs of summons were declared void. No other Parliament was called for a considerable time, and when the three years during which the voluntary contribution had been payable had elapsed, the King threatened to depart from his graces if it were not renewed. There is no doubt that King and viceroy now acted most dishonourably. When at length a Parliament met in 1634, Strafford, who managed it in his master's interests, obtained six subsidies, amounting to £240,000, without making a single material concession in return. A second session was promised for confirming the graces, but the supplies having been obtained, the royal promises were evaded, and in the end the all-important articles establishing a sixty years' prescription against the Crown and securing the titles of proprietors in Clare and Connaught, as well as those which relieved the Catholics in the Court of Wards from the oath of supremacy, were set aside. On the other hand, statutes were passed with the object of preventing the evasion of the severe laws already in existence.

Defective titles.

Next, Strafford issued a commission to inquire into defective titles in Connaught; and the juries being intimidated by the threats of the viceroy, the commission was speedily enabled to declare that some three-fourths

CHAP. I.

The Irish Parliament.

of the province belonged to the Crown. In the great majority of cases the landlords had no title-deeds to produce, and those who had were obliged to pay large fines for their confirmation. A jury in Galway alone ventured to withstand the Crown, and for this they were heavily fined. In the ordinary administration of justice and the encouragement of trade and commerce, Strafford's government is to be commended; but his duplicity in dealing with Parliament, his oppressive severity, and his cruelly insulting and overbearing conduct towards all the best representatives of the Irish race, are after all the main features of his sinister rule.

Parliament of 1640.

The Parliament of 1640, convoked by Strafford, voted subsidies for a large army raised to serve against the Scots, and it seemed to be moved generally by a spirit of loyalty. But when the Commons assembled again after the prorogation, a complete change had come over their temper. Through a committee they presented a strong remonstrance to the Long Parliament of England, ignoring the King. The Lords joined the Commons in demanding from Charles the fulfilment of his promises. Catholics and Protestants sank for the moment their irreconcilable differences, and united upon their temporal grievances. In May, 1641, the King yielded to their principal demands, but the concessions were unhappily never transformed into law.

The Rebellion of 1641.

Now ensued the terrible Rebellion of 1641, which began in Ulster in the month of October. Strafford had been succeeded by two Lords Justices, Sir William Parsons and Sir John Borlase, whose conduct during this critical period has been severely censured. Yet "the primary causes of the rebellion are not to be found in their supineness or misconduct, but in the two great sins of the English Government—in the penal laws as to religion which pressed on almost the whole people, and in the systematic iniquity which despoiled them of their possessions."[1] Events in England gave them an oppor-

[1] Hallam's *Constitutional History.*

tunity to endeavour to enforce by arms that justice which had been systematically denied them. The massacre of Scots and English in Ulster, though exaggerated by some writers, was yet sufficiently appalling in its nature and extent. In the anarchy which ensued, both Catholics and Protestants are chargeable with cruelty. As the conflict spread, "it became a desperate contention whether the majority of the nation should be trodden to the dust by forfeiture and persecution, or the Crown lose everything beyond a nominal sovereignty over Ireland." The demand for a repeal of the penal laws was succeeded by one for a complete establishment of the Roman Catholic religion. This the Parliament of England would of course never concede; indeed, at the commencement of the rebellion it had been decreed that all the forfeited estates of the insurgents should be allotted to such as should assist in reducing the island to subjection. The struggle was long and fierce, and when at length Cromwell succeeded in subduing the country, Lord Clarendon declared that it was with such bloodshed and rigour that the sufferings of the Irish nation during this strife of eleven years had never been surpassed save by those inflicted by Titus in his destruction of the Jews.

Its character.

Authorities differ in apportioning the responsibility for the Rebellion of 1641 and also in defining its actual causes, but "one fact concerning the defection of the Pale is not questionable. It is that the rebellion only assumed its general character in consequence of the resolution of the English House of Commons, which determined, in the beginning of December, that no toleration should be henceforth granted to the Catholic religion in Ireland. It was this policy, announced by the Parliament of England, that drove the Catholic gentry of Ireland reluctantly into rebellion. In Wicklow, it is true, and in the adjoining county of Wexford, the rebellion assumed an agrarian character; and in many different parts of the country bands of simple robbers were soon called into existence: but in general the rebellion out of Ulster was a defensive religious war

CHAP. I.

The Irish Parliament.

entered into for the purpose of securing a toleration, and ultimately an establishment, of the religion of the Irish people."[1]

The Cromwellian Settlement.

The year 1652 was marked by the Cromwellian Settlement of Ireland. By an act of the English Parliament passed on August 12th, all land of the Irish in Ulster, Munster, and Leinster was confiscated and distributed among the adventurers who had lent money for the war, and the soldiers of the republic. Innocent Papists—that is, all those who had no share in the war, but yet who were not in the actual service of the Parliament or well affected towards it—forfeited one-third of their estates, and were to receive an equivalent for the remainder elsewhere. All the great landed proprietors and all the Catholic clergy were excepted from pardon of life or estate, other offenders being banished and losing two-thirds of their estates. In the following year Cromwell proceeded to effect the transplantation to Connaught. It was decreed that the Irish must transfer themselves to that province within seven months, under the penalty of death. There they were to be enclosed by a cordon of soldiers, to whom was assigned a strip of land, a mile wide, running around the coast and the Shannon. The population had been reduced by war and banishment to some 850,000, for whom 800,000 acres were set apart. Any of the transplanted Catholics who might be found in the forbidden provinces without a passport after May 1st, 1654, might be slain without trial or order of a magistrate. A new tribunal, called a High Court of Justice, was established for the trial and punishment of "rebels and malignants." Many sons of banished owners wandered about their old estates, living on outlawry or hospitality. They were called "Tories," and in 1657 a sum of twenty pounds was placed on their heads, and their extermination

[1] Mr. Lecky's *History of England in the Eighteenth Century.* The chapters devoted to Ireland in Mr. Lecky's work should be pondered by every student of Irish history. They are alike able, just, and comprehensive.

decreed. Any Catholic priest found in Ireland after a period of twenty days was held to be guilty of high treason, and liable to be hanged, drawn, and quartered. A sum of five pounds was set on his head, the same amount paid for the destruction of a wolf, and the production of either head was to be a sufficient claim for the reward. Stringent statutes were likewise passed against those harbouring priests. People were ordered to attend the parish church, and the oath of abjuration might be tendered, under severe penalties, to all persons over the age of twenty-one years. An Act proclaiming the Rebellion in Ireland to be at an end was passed on September 26th, 1653. "The Cromwellian settlement is the foundation of that deep and lasting division between the proprietary and the tenants which is the chief cause of the political and social evils of Ireland."[1]

Henry Cromwell.

Henry, the second son of Oliver Cromwell, held the government of Ireland for nearly four years. Although he administered many of the laws as he found them, his humane disposition preserved Ireland from the infliction of fresh grievances. The conduct of this pure and considerate governor, who had not money enough upon his recall to defray the expenses of his journey to England, contrasts forcibly with that of the rival Irish intriguers Broghill and Coote. These unprincipled men had been notorious for their cruelties against the Irish, and they now ran a race against each other to curry favour with Charles II. That worthless monarch created Broghill Earl of Orrery, and Coote Earl of Mamtrath.

Broghill and Coote.

Settlement of Charles II.

The Irish legislation of Charles II. pleased neither the Catholics nor the Protestants. Under the King's declaration for the settlement of Ireland, which was intended as a basis for a Parliamentary statute, the adventurers—or those who, with the assent of the late King, and on the faith of English acts passed in 1642, had advanced money for subduing the rebellion in

[1] Lecky's *History.*

CHAP. I.

The Irish Parliament.

consideration of lands to be allotted to them in certain stipulated proportions, and who in general had actually received them from Cromwell—were confirmed in all the lands possessed by them on May 7th, 1659. The soldiers were confirmed in the estates already allotted to them in lieu of pay, with the exception of Church lands and certain others. Officers who had served in the royal army against the Irish before 1649 were to be satisfied for their pay, at least to the amount of five-eighths, out of lands to be allotted for that purpose. Innocent Papists not concerned in the rebellion, and whom Cromwell had arbitrarily transplanted into Connaught, were to be restored to their estates, and those who possessed them to be indemnified. All who had submitted to the peace of 1648, and had not afterwards been in arms, if they had not accepted lands in Connaught, were also to be restored, on those now in possession being satisfied for their expenses. Thirty-six nobles and gentry, as well as those who had served the King abroad, were to be put on the same footing as the last. Restitution was to be in the order above specified.

Parliament of 1661.

The first Irish Parliament which had been held for twenty years met on May 8th, 1661. The House of Commons comprised two hundred and sixty members, who, with the exception of sixty-four, were all burgesses, and consequently of the favoured race. The session was taken up with the Bill of Settlement, which was warmly opposed by the Irish Catholics, but it passed through Parliament on September 15th, and was transmitted to England. The Upper House had been successful in its contention that if the unallotted lands should not be sufficient to satisfy all the interests named in the measure, there should be a proportional loss by every class for the benefit of the whole. The discussions were resumed before the King and Council, but the Irish delegates pressed their claims so warmly and injudiciously that Charles ordered the Act of Settlement to be sent back with little alteration, save the insertion of some more Irish nominees—that is,

Catholics who were named as objects of the royal favour.

English commissioners were appointed to execute the act, and as more of the Irish were pronounced innocent than the Commons expected, the adventurers and Cromwellians complained that the Popish interest had prevailed, and demanded a closer inquisition. The lands being manifestly insufficient to satisfy all the claimants, a supplemental measure, called the Act of Explanation, became necessary. By this statute, passed on December 15th, 1665, the adventurers and soldiers relinquished one-third of the estates enjoyed by them on May 7th, 1659. Twenty Irish nominees were added to the favoured Catholics, but all those who had not already been adjudged innocent—upwards of three thousand in number—were entirely cut off from any hope of restitution. While many of these were guilty, they justly complained of confiscation without trial. Altogether the Irish Catholics, who before the rebellion had held about two-thirds of the kingdom, lost more than half their possessions through forfeiture. In any resettlement after a sanguinary civil war one party or the other must inevitably be the greater sufferer ; and, as Hallam observes with regard to the Restoration settlement, it is easier to perceive its inequalities and injustice than to point out a better course of action.

Act of Explanation.

The Catholics were wroth with the Duke of Ormonde for his incessant watchfulness over the Protestant interests and the supremacy of the English crown. They began to agitate against the Act of Settlement, and owing to the toleration extended to them by Lord Berkley, who was appointed Lord Lieutenant in 1670, there seemed considerable hope of their compassing some ameliorations; but Berkley was recalled in 1672 and Ormonde reinstated, so that no changes of policy were effected before the death of Charles II.

Ormonde's policy.

The accession of James II. infused a jubilant spirit into the Irish Catholics, but again their hopes were doomed to disappointment. Just as their support of

Action of James II.

CHAP. I.

The Irish Parliament.

Charles I. ended with the iron rule of Cromwell, so their support of James II. ended in their subjugation by William III. James, however, reversed the policy of his predecessors. A dispensing prerogative set aside all the statutes; the courts of justice, the Privy Council, and all civil offices were filled with Catholics; Protestant soldiers were disbanded, and Protestant citizens disarmed; the tithes were withheld from the clergy; and the race which had long proscribed its enemies now felt something of the subjection and humiliation it had inflicted upon others. The ambitious Richard Talbot, Earl of Tyrconnel, who was appointed Lord Deputy in 1687, resolved to defend the interests of James and the Catholics to the uttermost; but he also intrigued with France for the independence of Ireland under his own sovereignty in the event of James's death.

Tyrconnel.

Parliament of 1689.

A Parliament summoned by James met at Dublin on May 7th, 1689. It consisted almost entirely of Catholics. Out of 228 commoners only six were Protestants. This Irish Parliament declared its own legislative independence and repealed Poynings' law. It also passed the first act establishing perfect religious equality, thus showing itself in advance of the times in that respect. Other acts abolished the payments to Protestant clergy in the corporate towns, and ordered that the Catholics throughout Ireland should henceforth pay their tithes and other ecclesiastical dues to their own priests, and not to the Protestant clergy. Almost the whole of the religious property of the country was by this legislation transferred from the Church of the minority to that of the bulk of the nation, and no compensation was made for vested interests. Various measures were likewise passed for developing the resources of the country or remedying abuses. But while thus legislating beneficially on the whole, the Parliament unfortunately proceeded to enact reactionary measures. It passed an important act for the repeal of the Acts of Settlement and Explanation. In making reprisals, however, it did not sweep away the property of purchasers under the Act of

Repeal of the Act of Settlement.

Settlement without compensation, though there were unquestionable hardships, as there always will be, under such acts. But this measure was quickly followed by another act of a sweeping and unjust character. An Act of Attainder was passed—implicating two thousand persons by name—which "aimed at nothing less than a complete overthrow of the existing land system in Ireland." This tyrannical act made a very large proportion of the Irish landlords liable to the penalties of high treason unless they could prove their innocence, although their only crime was that of living out of Ireland at a time of civil war.[1]

Act of Attainder.

Matters looked most promising for the Catholics, when the Revolution under William of Orange entirely changed the aspect of affairs. After the memorable defence of Derry and the great victory of the Boyne, the cause of Protestantism triumphed, though it had still some difficulties to encounter. The Pacification of Limerick, concluded on October 3rd, 1691, was a tribute to the noble and humane qualities of William III., who resisted the desire of his soldiers for reprisals. The Pacification included a military and a civil treaty. By the former, Irish officers and soldiers who so desired could be conveyed over to France. Under the first article of the important civil treaty it was provided that "the Roman Catholics of this kingdom shall enjoy such privileges in the exercise of their religion as are consistent with the laws of Ireland, or as they did enjoy in the reign of King Charles II.; and their Majesties, as soon as their affairs will permit them to summon a Parliament in this kingdom, will endeavour to procure the said Roman Catholics such further security in that particular as may preserve them from any disturbance upon the account of their said

Pacification of Limerick.

[1] By an Irish act of 7 William III. all these acts of James's Irish Parliament were declared to be acts of treason and rebellion. All the attainders and the measures passed "in the late pretended Parliament" were pronounced to be void. The English Parliament also passed an Act of Nullification.

CHAP. I. The Irish Parliament.

religion." The second article of the treaty secured to the inhabitants of Limerick and other places then in possession of the Irish, and to all officers and soldiers then in arms who should return to their Majesties' obedience, and to all such as should be under their protection in the counties of Limerick, Kerry, Clare, Galway, and Mayo, all their estates and all their rights, privileges, and immunities which they held in the reign of Charles II., free from all forfeitures or outlawries incurred by them. This second article, so far as related to the garrison of Limerick or other persons in arms, was confirmed by statute in 1697; but the first article was apparently ignored. So many of the forfeited lands in Ireland were distributed by the English Parliament amongst English grantees that by the close of the seventeenth century it is computed that no more than one-sixth or one-seventh of the kingdom remained in the possession of the Irish or Anglo-Irish Catholics.

Severe legislation of William and Anne.

During the reigns of William III. and Anne statutes were passed against the Catholics of so oppressive a nature as scarcely to be paralleled in European history. These laws covered almost every relation of life, and weighed heavily upon the Catholics especially in regard to property, education, and religion. It is only just to say that William was not personally responsible for the severe penal laws enacted during his reign, for he was magnanimous in war and tolerant in religion. The laws were due to fear and a desire for security on the part of the victorious race, but their vindictiveness merits severe condemnation. By an act of the Irish Parliament of 7 William III., no Papist was allowed to keep a school or to teach any in private houses, and severe penalties were inflicted on those who should go abroad or send others for education beyond seas in the Romish religion. No Papist was permitted to hold arms, and search might be made at any time by two justices. Under other Irish statutes of 9 William III. and Anne, intermarriages between persons of different religion and possessing any estate in Ireland were forbidden; and the children, in

case of either parent being Protestant, might be taken and educated in that faith. No Papist could be guardian to a child, and the Court of Chancery had the power to appoint a relation or some other person to bring up the ward in the Protestant religion. Any eldest son, being a Protestant, might secure his own inheritance by turning his father's estate in fee simple into a tenancy for life. Where the children were all Papists the father's estates were to be of the nature of gavelkind and to descend equally among them. Papists were disabled from purchasing lands, save for terms of not more than thirty-one years, at a rent not less than two-thirds of the full value. On pain of forfeiture to the next Protestant heir, they were to conform within six months after any title should accrue by descent, devise, or settlement—a provision apparently intended to exclude them from real property altogether. Priests, bishops, and others claiming jurisdiction, and all who should come into the kingdom from foreign parts, were banished on pain of transportation if they refused to comply, and of high treason in case of returning from banishment. Priests were required to be registered, and forbidden to leave their own parishes, and rewards were held out to informers, which rewards were to be levied on the Popish inhabitants of the country. It will be seen how all-embracing was this harassing legislation.

Legislative Independence mooted.

The question of the legislative independence of Ireland was mooted at a much earlier period than that first assigned to it by some historians. In the first half of the seventeenth century the Irish people asserted their right to an independent Legislature, and repudiated the authority of the English Parliament. Original documents recently brought to light demonstrate that constitutional claims to an independent Parliament were distinctly asserted as early as 1641. At length wide publicity was drawn to the matter when Molyneux, one of the members for the University of Dublin, published in 1698 his famous treatise, *The Case of Ireland's being bound by Acts of Parliament in England Stated.* It is unquestionable that

Molyneux's "Case of Ireland."

CHAP. I.

The Irish Parliament.

from the time of Henry VI. or Edward IV. English statutes had no operation in Ireland unless enacted by the Irish Parliament; but Coke and other great lawyers held that English statutes would be binding if express words to that effect were employed. It is shown in Carte's *Life of Ormonde* that the Irish in general protested against the legislative authority of England, and two treatises on the subject may be read in Harris's *Hibernica*. Yet after the Revolution, laws of importance binding Ireland were passed in England and acquiesced in without express opposition by the Irish Parliament. Molyneux, however, in the work above cited, claimed for his country absolute legislative independency. The book was brought before the English House of Commons, when it was unanimously resolved "That the book published by Mr. Molyneux was of dangerous tendency to the Crown and people of England by denying the authority of the King and Parliament of England to bind the kingdom and people of Ireland, and the subordination and dependence that Ireland had and ought to have upon England, as being united and annexed to the imperial Crown of England." The Commons also condemned in the strongest terms the practice of the Irish Parliament in re-enacting laws made in England expressly to bind Ireland.

Exclusion of Catholics.

The oath of supremacy imposed upon members of the Irish Parliament by an English act of 1691 of course banished Catholics from the Irish House of Commons. The Irish Parliament had never adopted the oath imposed by Elizabeth, and in her reign and those of her two next successors the House of Commons had been full of Catholics. When the rebellion of 1641 broke out, however, the Irish House of Commons excluded by resolution those who would not take the oath. To the Parliament of 1661 only one Catholic was returned. A bill passed the Commons in 1663 for the imposition of the oath, but it was stopped by a prorogation. Now, by the statute 3 William and Mary, the oath was formally imposed; and Roman Catholics were thus excluded from the Irish Parliament.

In 1698 the Irish Parliament exhibited its subserviency to England by endeavouring to crush the woollen trade. An act was passed practically forbidding the export of Irish-manufactured wool to any country whatsoever. A more important measure still, but one on the old religious question, was passed in 1704. It was introduced as a bill "for preventing the further growth of Popery," but there was tacked on to it a clause known as the "Sacramental Test," which really extended the Test Act to Ireland. The bill passed, and of course it militated against Presbyterians and other Protestant Dissenters as well as against Catholics. Further stringent measures against the Catholics were adopted in 1704, 1705, and 1709, and the laws were enforced with rigorous severity. In 1713 the Schism Act was extended to Ireland. The result of all this repressive legislation against the Catholics was to drive away from Ireland much of the best blood of the country. The healthiest social elements were eliminated, and corrupting influences infected the classes which remained.

The Woollen Trade.

The Test Act.

The Schism Act

Having established its right to present heads of bills to the Lord Lieutenant and Council, and to examine the accounts and the expenditure of public money, the Irish Parliament made an effort to assert its own supremacy in 1719. A case of property between Hester Sherlock and Maurice Annesley having been decided for the respondent by the Irish Court of Exchequer, the judgment was reversed on appeal by the Irish House of Lords. Annesley, the respondent, then took the case before the English House of Lords, which affirmed the judgment of the Exchequer. The Irish peers resolved that no appeal lay from the Court of Exchequer in Ireland to the King in Parliament in Great Britain; and the barons of that court, having acted in obedience to the order of the English Lords, were taken into the custody of the Black Rod. The King was next petitioned against admitting the appellant jurisdiction. But the English Parliament retorted by passing a statute to enable it to legislate for Ireland. The act secured the dependency of Ireland

Claims of Parliament.

It is subordinated to England.

CHAP. I. The Irish Parliament.

upon the Crown of Great Britain, and declared "That the King's Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons of Great Britain in Parliament assembled, had, hath, and of right ought to have full power and authority to make laws and statutes of sufficient force and validity to bind the people and the kingdom of Ireland; and that the House of Lords of Ireland have not, nor of right ought to have, any jurisdiction to judge of, reverse, or affirm any judgment, sentence, or decree given or made in any court within the same kingdom; and that all proceedings before the said House of Lords upon any such judgment, sentence, or decree are, and are hereby declared to be, utterly null and void to all intents and purposes whatsoever." This legislation was very irritating; and, as it was supplemented by the promotion of strangers to the chief posts in Church and State, the Irish Commons began to aspire to those liberties which were enjoyed in England.

Toleration Act.

A Toleration Act was passed by the Irish Parliament in 1719, relieving the Protestant Dissenters from certain penalties to which they were liable in common with the Catholics.

Wood's Halfpence.

In 1722-4 Wood's halfpence caused a great deal of commotion. There was no mint in Ireland, and the people severely felt the lack of small coin. A patent for coining copper money was granted to the royal mistress, the Duchess of Kendal, and she sold it to Wood, an English ironmonger. He was to be allowed to coin £108,000 worth of halfpence and farthings, a pound of copper to be coined into thirty pence, for Ireland. In England only twenty-three pence were coined from one pound, but against this fact had to be set the cost of transport to Ireland and the import duty, to be paid by Wood. An excessive amount of copper was put into circulation, and Ireland was soon in a ferment of excitement. The agitation was out of all proportion to the evil. As a charge was made that the coinage was debased, Sir Isaac Newton examined it, and found it fully as good as was

required. The sum to be coined was reduced in 1723, but in the following year Swift's *Drapier's Letters* appeared, and all Ireland, from the Chancellor and the Archbishop of Dublin downwards, refused the new halfpence. Walpole at length gave way to the popular clamour, and revoked the patent, granting Wood three thousand guineas for eight years as compensation from the Irish Pension List, which was paid in a false name.

Anti-Catholic Legislation.

In 1727 an act was passed by which Catholics were forbidden to vote at Parliamentary elections, the last vestige of constitutional rights thus being taken from them. This legislation was promoted by Primate Boulter, who for twenty years continued practically to manage Irish affairs in the English interest. In 1728 a stringent act was passed to prevent Papists from practising as solicitors. It was already the law that no convert could be a barrister until he had embraced Protestantism for five years. Yet while the Irish Catholics were thus severely dealt with, during the Jacobite risings of 1715 and 1745 they remained tranquil and gave no encouragement to the rebels.

Mixed marriages.

Legislation against mixed marriages and abductions was proposed in 1743 and completed in 1745. By a law passed in the latter year, all marriages between Protestants and Catholics, or between two Protestants celebrated either by a priest or a degraded clergyman, were pronounced null and void. The condemnation of those who were guilty was also facilitated. By another act it was provided that, although mixed marriages carried with them no civil consequences, those who celebrated them were still liable to the punishment of death.

The Revenue.

In 1749, during the primacy of the unprincipled "manager" George Stone, disputes arose in the Irish Parliament about the appropriation of the surplus revenue, and the question of privilege was revived. A bill was introduced in the Commons to apply the unappropriated surplus to the liquidation of the National Debt. Violent discussions ensued, and the dispute was

CHAP. I.

The Irish Parliament.

renewed in 1751 and 1753. In Ireland the practice of Parliamentary appropriation had never strictly prevailed, and the Government now maintained that the whole revenue belonged to the King and could not be disposed of without his consent. The Speaker of the Commons and other eminent men took the popular side, but the Crown succeeded in carrying motions apparently supporting its authority. The House, however, so disposed of the revenue in future as to avoid leaving an unappropriated surplus.

Ireland on the accession of George III.

As a new era opened for Ireland during the reign of George III., a brief review of the constitutional conditions prevailing before his accession will be of interest here. We have already seen that Ireland was governed by a Parliament from which every Catholic was excluded. The House of Lords was composed of prelates, and nobles who were owners of boroughs, patrons of corporations, masters of the representation, and in close alliance with Dublin Castle. The House of Commons was elected in a flagrantly unjust manner, the franchise being denied to five-sixths of the people on account of their religion. Crown nomination boroughs abounded ; and patrons of close corporations returned the members for the towns, and great proprietors those for the counties. Twenty-five lords of the soil returned no fewer than 116 members out of a total of 300. Patrons of boroughs by acting together could command an actual majority in the House, and dictate their own terms to the Government. These "Parliamentary undertakers" claimed titles, offices, and pensions for themselves and their friends, and "self-interest and corruption were all but universal in the active scheme of Parliamentary government." The Irish pension list increased alarmingly under this system. Even the Speaker was chiefly relied upon because of his management of the House of Commons ; and, to make matters worse, Parliament expired only on the demise of the Crown. The executive was likewise strongly tainted with corruption. All persons in authority were Churchmen, and the legal, as

well as the political, administration was in the hands of Protestants. Catholics were cut off from everything, and Protestant Nonconformists were likewise severely disabled in many important directions. Parliament was in subjection to the English Parliament and Government, and "the national pride was stung by a sense of inferiority and dependence." In matters of commerce Ireland was equally subordinate; and, "to satisfy the jealous instincts of English traders," she was impoverished through protective and prohibitory duties.[1]

The Whiteboys.

The south of Ireland was greatly disturbed in 1761 by the outrages of the Whiteboys. These agrarian offenders were originally called Levellers, from their levelling the hedges of enclosed commons in Tipperary. Afterwards they set up to be the general redressers of grievances connected with the letting, buying, and selling of land, hiring and eviction, tithes and rates. They were called Whiteboys because they wore white smocks in their nightly expeditions. Their shocking barbarities called forth the severe Whiteboy Acts, passed in 1765, 1767, and 1777, some of which laws are still in force. Many efforts were made to suppress the society, but the outrages were renewed again and again in various parts of the country. The Whiteboy movement "may be justly regarded as at once the precursor and the parent of all subsequent outbursts of Irish agrarian crime."[2] Associations of Protestant peasantry in the north were also formed, under the names of "Hearts-of-oak Boys" and "Hearts-of-steel Boys." The latter were incited to rebellion by high rents and the rapacity of the agents of absentees. The former originally banded themselves together for the abolition of the compulsory system of road-making, but afterwards, like the Whiteboys, they made themselves general reformers of agrarian abuses. Some of their grievances were remedied by Parliament.

[1] Leland, Plowden, Hardy's *Life of Lord Charlemont*, Mountmorres's *History*, Lord Farnborough's *Constitutional History*, Carte's *Ormonde*, and the *Parliamentary History*

[2] Lecky's *History of England*.

CHAP. I. The Irish Parliament.

The severe legislation against the Hearts-of-steel Boys led to an extensive emigration to America.[1]

Octennial Act.

The reforming party in the Irish Parliament, foiled in its attempt to deal with the scandals of the pension list, turned its attention to the reform of Parliament itself. An agitation for a Septennial Act for Ireland began in 1761, and in 1765 the Irish Commons passed the heads of a bill of this nature, but the measure was suppressed in England. In 1767, however, another Septennial Bill was passed and transmitted to England, where it was transformed into an octennial one. It was hoped that this alteration would ensure its rejection, but the Irish Parliament gladly accepted it as an instalment of reform. Seeing that the duration of Parliament might be prolonged throughout an entire reign, it was something to enjoy the popular rights of election every eighth year. So the Act passed. A new Parliament was called, and Townshend, the Lord Lieutenant, scattered bribes profusely in order to secure a strong majority for the Government.

Money bills.

The executive came into conflict with the Commons in October, 1769, on the right to originate money bills. The English Privy Council sent over a money bill which the Irish House of Commons rejected, "because it did not take its rise in that House"; but, to show that it was not moved by animus, it granted more liberal supplies to the Crown than had been demanded. Lord Townshend, however, prorogued Parliament as soon as the supplies were voted, and protested against the resolution of the Commons as a violation of the law and an invasion of the just rights of the Crown. The Houses were not again permitted to meet until February 26th, 1771. There was great excitement in Ireland, and the Viceroy's repeated prorogations were animadverted upon in the English Parliament.

The Commons intractable.

When the Irish Commons did assemble, they were no more tractable than before. In December, 1771, and again in December, 1773, they rejected money bills

[1] Haverty's *History of Ireland.*

because they had been altered in England. The Earl of Harcourt succeeded Townshend, and his administration began well. A popular measure was passed in the session of 1773 by which a tax of two shillings in the pound was proposed to be laid on the income of Irish absentee landlords who would not reside in Ireland at least six months in each year. The Government supported the bill, but it was rejected in consequence of the violent opposition of the great landowners.

Their growing independence.

The American war furnished another opportunity for the Irish Commons to show their growing independence. In 1775 they agreed to the withdrawal of four thousand troops from the Irish establishment, but they considerably astonished the Government by refusing to allow them to be replaced by Protestant troops from England. During the same session they rejected two money bills which had been amended in England, and introduced others—a step attended by public inconvenience as well as loss to the revenue. The first octennial Parliament gave little satisfaction to the Government, and it was dissolved in 1776.

Fiscal policy in Ireland.

The American colonists found warm sympathisers in the Irish, and their action assisted the cause of Irish Independence. The cases of Ireland and America were almost parallel. The condition of the Irish people was lamentable, and it was made worse by an oppressive fiscal policy. Commerce and manufactures were crushed, and, in addition to the ordinary restraints upon industry, in 1776 an embargo was laid on the exportation of Irish commodities. Some concessions became necessary owing to the distresses and the failing revenue of Ireland, and from 1775 to 1779 the English Parliament made various relaxations of the restrictions upon Irish trade

Catholic Relief Bill.

In 1778, shortly after the independence of the American States had been acknowledged by France, a bill for the partial relief of the Catholics was passed unanimously by the English Parliament; but a similar relief bill introduced by Mr. Gardiner in the Irish House of Commons was only carried by a majority of nine after a severe contest

CHAP. I.

The Irish Parliament.

and eight divisions. The English Privy Council returned the bill shorn of certain concessions to the Presbyterians which had been inserted. The enemies of the Catholics hoped the Irish House of Commons would reject the whole measure because of this mutilation. The Irish Parliament, however, acted more wisely, and the first great relief bill for the Irish Catholics was carried through the Commons by 127 to 89, and through the Lords by 44 to 28. This act enabled the Catholics, on taking the oath of allegiance and a prescribed form of declaration, to hold leases of land for nine hundred and ninety-nine years, though they might not purchase the freehold, and also to inherit land in exactly the same way as Protestants. An important concession was secured by the Dissenters in 1780, when they were relieved from the sacramental test by an act of the Irish Parliament.

The Volunteers.

The great national Volunteer movement in Ireland sprang into existence at the beginning of 1779. Acting at first without concert, the Volunteers were soon brought into united action, and during the first year no fewer than forty-two thousand men were enrolled.[1] They made common cause with the people against the Government, and demanded free trade. English reformers supported their claims; and thus emboldened, the Parliament of Ireland voted supplies for six months only. The British Parliament passed in 1780 several acts, permitting the free export of Irish wool and glass manufactures, and granting freedom of trade with all the British plantations on condition of equality of customs.

Free trade measures.

Independence demanded.

But these measures were insufficient to calm the popular agitation. In 1780 the Volunteers demanded the legislative independence of Ireland, and on April 19th in that year Mr. Grattan brought the question before the Irish Parliament. He moved a resolution to the effect that "no power on earth save that of the King, Lords, and Commons of Ireland had

Speech of Grattan.

[1] Hardy's *Life of Lord Charlemont.*

a right to make laws for Ireland." In a speech containing many splendid bursts of eloquence, the orator said, "I will not be answered by a public lie in the shape of an amendment; neither, speaking for the subject's freedom, am I to hear of faction. I wish for nothing but to breathe in this our land, in common with our fellow-subjects, the air of liberty. I have no ambition unless it be the ambition to break your chain and contemplate your glory; I never will be satisfied as long as the meanest cottager in Ireland has a link of the British chain clanking against his rags. He may be naked; he shall not be in irons: and I do see the time is at hand, the spirit is gone forth, the declaration is planted, and though great men should apostatise, yet the cause will live; and though the public speaker should die, yet the immortal fire shall outlast the organ which conveyed it, and the breath of liberty, like the word of the holy man, will not die with the prophet, but survive him." The debate lasted until six o'clock in the morning, when it terminated without a division. Grattan's triumph, however, was near at hand.

Permanent Mutiny Act.

The Imperial Government still pursued its irritating policy. The annual Mutiny Act sent over from the Irish Parliament was returned in 1781 transformed into a permanent one; and, by the influence of the Irish administration, it was adopted in its altered form. The Irish were thus deprived of the constitutional security against the maintenance of a standing army without the consent of Parliament. A bill for opening the sugar trade to Ireland was also seriously mutilated. The permanent Mutiny Act was denounced by Fox and others in England; and, as we shall presently see, it was speedily repealed.

Convention of Dungannon.

Meanwhile the Volunteers continued their political activity, under the Earl of Charlemont, and received for the second time the thanks of the Irish Parliament. But as the Government secured a majority in the House of Commons against further concessions, a convention was called for February 15th, 1782, at Dungannon, "to root

CHAP. I. The Irish Parliament.

out corruption and Court influence from the legislative body," and "to deliberate on the present alarming situation of public affairs." The meeting was duly held in the church at Dungannon, and resolutions were carried declaring the right of Ireland to legislative and judicial independence and free trade.

Catholic relief measures.

On the day when these memorable resolutions were passed, Mr. Gardiner (afterwards Lord Mountjoy) introduced in the Irish Parliament his measures for the relief of the Catholics. They were divided into three bills. The first enabled Catholics to hold and dispose of landed property in the same manner as Protestants, with the exception of advowsons, manors, and Parliamentary boroughs; it also repealed the statutes against hearing or celebrating mass and other disabilities: the second bill was entitled "An act to enable persons professing the Popish religion to teach schools in this kingdom, and for regulating the education of Papists, and also to repeal parts of certain laws relative to the guardianships of their children." These two bills passed into law, but the third, which authorised marriages between Catholics and Protestants, was negatived by a majority of eight.

Legislative Independence.

Legislative independence next became an accomplished fact. True, Mr. Grattan's motion of February 22nd in the Irish Parliament and Mr. Flood's motion of February 26th were defeated, but independence was in the air. Lord Rockingham's Liberal administration came into power, and the Duke of Portland was appointed to succeed Lord Carlisle as Lord Lieutenant. The new Viceroy met the Irish Parliament on April 16th, and on that day Mr. Grattan brought forward an amendment to the Address in the shape of an Irish Declaration of Rights, which was unanimously agreed to. It claimed for the Irish Parliament the sole authority to make laws for Ireland, and demanded the repeal of the permanent Mutiny Act. On May 27th the Duke of Portland announced to the Houses the unconditional concessions made to Ireland by the Parliament of Great Britain. The act 6 George I. "for the better securing the

Declaration of Rights.

dependency of Ireland upon the Crown of Great Britain, etc.," was repealed, and the legislative and judicial authority of the British Parliament renounced. The right of the Privy Council to alter bills transmitted from Ireland was abandoned, and the perpetual Mutiny Act repealed. The greater part of Poynings' law was repealed, and a large number of British statutes relating to Ireland were confirmed. In the same session an act giving Protestant Dissenting ministers the right of celebrating valid marriages removed the last serious grievance of the Protestant Dissenters. Mr. Flood and Sir Samuel Bradstreet, Recorder of Dublin, argued that the repeal of the act 6 George I. still left Ireland as she was before, when England arrogated authority over her, but Mr. Grattan and his friends took the higher and more magnanimous view that all disputed constitutional questions between the two countries were at an end. The address moved by Mr. Grattan was ultimately carried by 211 votes to 2. The grateful Parliament then voted that twenty thousand Irish seamen should be raised for the British navy, and made a grant of £100,000 to carry out that object. Congratulations were everywhere heard upon this bloodless constitutional victory; and, as a substantial mark of a nation's gratitude for the noble efforts of a high-souled patriot, a sum of £50,000 was voted by Parliament to purchase an estate and build a house for Mr. Grattan.

Independence granted.

Grattan rewarded.

It remains to be added that in the session of 1782 the Habeas Corpus Act for Ireland was passed. Hitherto the Irish had never enjoyed this great guarantee of personal liberty. The measure now passed was framed upon lines similar to those of the English Act.

Habeas Corpus Act.

On the death of the Marquis of Rockingham, the new Coalition Ministry sent Earl Temple to replace the Duke of Portland in the government of Ireland. Popular discontent was not yet allayed amongst the Irish, and patriots differed widely and warmly as to the meaning of legislative independence. Accordingly, in the session of 1783, the British Parliament passed an Act of Re-

Earl Temple.

Act of Renunciation.

CHAP. I.

The Irish Parliament.

nunciation, "for removing and preventing all doubts which have arisen or might arise concerning the exclusive rights of the Parliament and courts of Ireland in matters of legislation and judication," etc.

After the change.

The difficulties attending the government of Ireland after the granting of independence must be left for the ensuing chapter.

CHAPTER II.

FROM THE DECLARATION OF INDEPENDENCE TO THE UNION.

The National outlook.

ALTHOUGH legislative independence had been secured, there was another aspect of Irish affairs that was far from satisfactory. Parliament, while free, was venal and corrupt, and the Catholic population, about four-fifths of the whole, was unrepresented in it. The popular leaders, moreover, turned against each other in a spirit of rivalry, and some of them were notoriously intolerant and insincere. The Volunteer Association, from which so much might have been expected, began rapidly to lose influence; and what with the disunion of parties and the pressure of abuses and grievances, the national outlook was not very cheering.

Parliamentary Reform.

Parliament was dissolved in July, 1783, and a new one called for October. Meantime the Volunteers took up the question of Parliamentary Reform, but the enfranchisement of Catholics formed no part of their scheme. Parliament met; and its earliest sittings were marked by angry altercations between Mr. Grattan and Mr. Flood, the latter being the advocate of an aggressive policy. Aided by the eccentric Bishop of Derry (Hervey, Earl of Bristol), Mr. Flood drew up a bill for Parliamentary Reform, which he sought to introduce into the House of Commons on November 29th. The mover spoke eloquently, but he was vigorously opposed by Attorney-

CHAP. II. The Irish Parliament.

General Yelverton (afterwards Lord Avonmore), and a scene of great violence ensued. Mr. Flood's bill was practically the bill of the Volunteer Convention. The motion for its first reading was rejected by a large majority—ayes, 49; noes, 158. A resolution was next carried that "the House would maintain its just rights and privileges against all encroachments whatsoever"; and as Lord Charlemont succeeded in getting the convention adjourned *sine die*, this sealed the fate of the Volunteers. Mr. Flood, however, renewed his efforts in the House on March 13th and 20th, 1784, but he was again defeated by 159 to 85 votes. An exclusively Protestant House of Commons, largely nominated by landed proprietors, was not a likely body to reform itself.

Pitt's commercial policy.

Pitt's commercial measures for the benefit of Ireland were the great feature of 1785 both in the English and Irish Parliaments. Ireland had already acquired the right of trading with Europe and the West Indies, but she was almost debarred from trade with England herself and with America and Africa. The Premier drew up a comprehensive scheme making liberal concessions on all these points. The plan was first unfolded in the Irish Parliament by Mr. Secretary Orde, and it passed on February 12th. On the 22nd Pitt brought it before the British Parliament, but he was unable to overcome the animosity of interested traders and the ignorance and prejudices of his opponents, and was obliged to withdraw many of his concessions, including the right of trading with India and the foreign West Indies. But what was still more galling to the Irish, a new proposition was introduced requiring the English navigation laws to be enacted by the Parliament of Ireland. The amended proposals were received with a storm of indignation in the Irish House of Commons. Mr. Grattan, who already began to lament the constitutional arrangements of 1782, vigorously denounced the mutilated measure. "This bill," he urged, "goes to the extinction of the most valuable part of your Parliamentary capacity: it is

a union; an incipient and creeping union; a virtual union, establishing one will in the general concerns of commerce and navigation and reposing that will in the Parliament of Great Britain; a union where our Parliament preserves its existence after it has lost its authority, and our people are to pay for a Parliamentary establishment without any proportion of Parliamentary representation." The bill was carried by such a small majority —127 to 108—that Mr. Pitt abandoned it in sheer vexation.

The "Right-boys."

About this time renewed religious and agrarian outrages broke out in Ireland. The "Right-boys," the successors of the Whiteboys, disturbed the south, while in the north the outrages of the Protestant "Peep-o'-day Boys" led to the organisation of Catholic "Defenders." The "Peep-o'-day Boys" were ultimately merged in the Orange Society. The first Orange lodge was formed in September, 1795, in the village of Loughgall, in Armagh.

"Peep-o'-day Boys."

The Regency.

When the Prince of Wales was requested to assume the Regency in 1788, the Irish Parliament ignored the wishes of Pitt and the English Parliament, and voted the Regency without restriction or limitation. Hailing this momentary display of independence, Mr. Grattan introduced a Pension Bill and other popular measures; but, the King's health being suddenly restored, the Government majority resumed their sway.

The United Irishmen.

The Society of United Irishmen, which had for its originator Samuel Neilson and its organiser Wolfe Tone, was founded in 1791. Its primary object was a perfectly constitutional one: it sought "a complete reform of the Legislature, founded on the principles of civil, political, and religious liberty"; but the association soon entered into an alliance with the French Jacobins, and treasonable plans were devised in aid of Irish disaffection. The Irish Union societies were the offshoots of the United Irishmen. The ill-fated Lord Edward Fitzgerald, who was betrayed in 1798 and died from wounds received during a struggle with his captors, was one of the United Irishmen.

CHAP. II.

The Irish Parliament.

English concessions.

Meanwhile the Government was constrained to try conciliatory measures with the Catholics. By acts passed in 1792 and 1793, Catholics were admitted to the elective franchise and to civil and military offices; the Irish pension list was reduced; a fixed Civil List was settled upon the Crown in lieu of its hereditary revenues; certain placemen and pensioners were excluded from the House of Commons; and Mr. Fox's protective law of libel was extended to Ireland. Yet these English concessions were grudgingly yielded by the Irish Cabinet, and were accompanied by a Militia Bill and two severe coercive measures aimed at the Volunteers and the United Irishmen.

Lord Fitzwilliam.

In January, 1795, the liberal-minded Lord Fitzwilliam was appointed Lord Lieutenant. He began his administration by treating the Catholics justly and honourably, and the hopes of the nation were raised to the highest pitch when he was suddenly recalled. All chance of a pacification between the Protestants and Catholics was soon seen to be at an end. The "Peep-o'-day Boys," or Orangemen, and the "Defenders" fought a pitched battle at a place called The Diamond in September, 1795.

Insurrection Act.

Early in 1796 an Insurrection Act was passed, making the administration of an oath such as that now taken by the United Irishmen punishable with death; a discretionary power was given to magistrates to proclaim counties; and houses might be entered between sunset and sunrise, and the inmates seized and sent on board tenders without any formality of trial. Acts of Indemnity were passed to shield the magistrates and military from responsibility for excesses committed in the administration of the law. There could be no doubt that Government favoured the Orangemen, while Parliament would do nothing to allay discontent or ameliorate the condition of the country.

Rebellion of 1798.

At length party strife and hatred culminated in the Rebellion of 1798. Although the leaders of this rebellion were Protestants, and the Catholic gentry and priesthood recoiled from any association with the French Repub-

licans, the whole Catholic body were denounced as rebels and public enemies by the Protestant party. The savagery and brutality of the rebels were only equalled by the cold-blooded ferocity and shocking barbarity of the soldiers.

Pitt's scheme for a Union.

When the Rebellion had been crushed, Pitt felt that the only hope for Ireland lay "in the mild and impartial rule of British statesmen and a united Parliament." In this view he was supported by the new Viceroy, Lord Cornwallis, who held that self-government had become impossible. As Lord Hutchinson wrote, "if ever there was a country unfit to govern itself, it is Ireland—a corrupt aristocracy; a ferocious commonalty; a distracted Government: a divided people." But the difficulties in the way of union were very great. Ireland was not likely to surrender her independence easily, or to abandon the liberties won in 1782. The official class must give up their power and patronage, the peers their position as hereditary councillors, and the great families their hold over the boroughs. Nevertheless, Ministers resolved at all costs to carry the project through.

The project discussed.

The Union was first proposed indirectly in a speech from the throne on January 22nd, 1799. The project was further defended in a pamphlet by Under-Secretary Cooke, to which Mr. (afterwards Lord Chancellor) Plunket replied. The Irish bar discussed the question on December 9th, when the division was—against the Union, 166; in favour of it, 32. Five debates took place in the Irish House of Commons. Advocates for the Union maintained that there was no safety for Ireland without British government; while, on the other hand, all the ablest lawyers—supported by Sir John Parnell, Chancellor of the Exchequer, and Lord Oriel, the Speaker—held that Parliament was incompetent even to entertain the question of a Union. This was also the opinion of Grattan, Curran, and Ponsonby. "It is scarcely an exaggeration to say that the whole unbribed intellect of Ireland was opposed to the Union." Certainly, "beyond all reasonable doubt the overwhelming majority

CHAP. II.

The Irish Parliament.

of the people of Ireland were opposed to the destruction of their national Parliament."[1]

The plan rejected.

Pitt had no difficulty in persuading the Parliament of Great Britain to recognise the necessity for the Union. In the Commons his resolutions were carried by 149 votes to 24, and in the Lords without a division. But when the project was first proposed in the Irish Parliament, an amendment in favour of maintaining an independent Legislature was only lost by a single vote—105 to 106. When the report of the Address came on, another debate took place, and this time Ministers were defeated by five votes, the numbers being—for the Government, 104: against, 109.

Bribery resorted to.

The Union policy being thus imperilled, a system of the most unblushing bribery was resorted to. Corrupt interests were to be corruptly bought, and Lord Castlereagh estimated that the cost of indemnifying the county and borough interests, the purchasers of seats, barristers, etc., would be no less than £1,433,000. The money was forthcoming; and the patrons of boroughs received £7,500 for each seat. Lord Downshire was paid £52,500 for seven seats, Lord Ely £45,000 for six, and the Earl of Shannon a similar amount. Lord Clanmorris received £22,500 and a peerage, Lord Belvidere £15,000, and other great proprietors proportionate amounts. The total compensation reached £1,260,000, but besides this, large sums were paid for the private purchase of votes. Eighty-four boroughs were disfranchised, and of the thirty-four retained only nine were open. Peers were further promised English peerages or advancement in the peerage of Ireland; commoners were made peers, and places and pensions were lavishly distributed. Lord Cornwallis, a brave and honest soldier, was disgusted with the nature of the work he was called upon to do. "My occupation," he wrote to his friend General Ross, "is now of the most unpleasant nature: negotiating and jobbing with the most corrupt people under heaven. I despise and hate

[1] Mr. Lecky's *Leaders of Public Opinion in Ireland.*

myself every hour for engaging in such dirty work, and am supported only by the reflection that without a Union the British empire must be dissolved."

Debate in the Irish Parliament.

When the Irish Parliament met on January 15th, 1800, Sir Laurence Parsons moved an amendment to the Address in favour of an independent resident Parliament. The honourable member inveighed warmly against the Ministerial manœuvres to pack the Parliament and influence its members. "It mattered not," he said, "whether the representatives of the nation were turned out of that door by the sword of the army or the gold of the Treasury, by a Cromwell or by a secretary; the treason against the Constitution was the same." Mr. Egan, who spoke during the debate, was referring to the Constitution of 1782 at the moment when the founder of that constitution, Mr. Grattan, entered the House. A scene of wild enthusiasm ensued. Shortly afterwards Mr. Grattan rose and delivered a speech marked by all his old brilliancy and fervour. In the course of it he referred to the adjustment of 1782. "The Minister of Great Britain," he said, "had come forward in two celebrated productions: he declared his intolerance of the Parliamentary constitution of Ireland, that constitution which he ordered the several viceroys to celebrate, in defence of which he recommended the French war, and to which he swore the yeoman; that constitution he now declared to be a miserable imperfection, concurring with the men whom he had executed for thinking the Irish Parliament a grievance, differing from them in the remedy only, they proposing to substitute a republic, and he the yoke of the British Parliament." The amendment was defeated by 138 to 96.

Proposals for Union carried.

On February 15th Lord Castlereagh read a message from the Lord Lieutenant to the House of Commons formally bringing forward the measure for a legislative union. The Government made every preparation for an imposing array of strength, but when the House divided they only carried their proposals by a majority of 43—158 to 115. Twenty-seven members were absent. Con-

CHAP. II. The Irish Parliament.

sidering the number of placemen, pensioners, and other interested members, Ministers had slender grounds for boasting of their majority. In the Upper House Lord Clare moved the proposals in an elaborate and animated speech; and, the British Cabinet being stronger in the Lords, they were carried by 75 to 26.

Duel between Grattan and Corry.

During the further passage of the Articles of Union through the Commons, Mr. Corry, the Chancellor of the Exchequer, and Mr. Grattan, so fiercely attacked each other that a duel resulted, in which Mr. Corry was wounded.

The Union effected.

The Articles of Union, as originally framed by the English Ministry, were ultimately carried through both Irish Houses, and brought before the British Parliament on April 2nd, 1800. A joint address from both Houses was presented to the King, and a plan of proceeding was transmitted to Ireland. A bill was drawn up in accordance therewith, and the motion for its introduction in the Irish House of Commons was carried by 160 to 100. A lengthy Address to the King against the completion of the bill was negatived by a majority of 58. This Address, which was generally attributed to the pen of Mr. Grattan, was moved for by the Anti-Unionists as their solemn protest to posterity against the measure. The Union Bill was then taken to the House of Lords, and it was read a third time on June 13th by 41 votes to 14. A protest was entered against it by the Duke of Leinster and other dissentient peers. A similar bill was carried through the British Parliament in the month of June. On July 2nd it received the Royal assent, when his Majesty thus addressed the two Houses: "With peculiar satisfaction I congratulate you on the success of the steps which you have taken for effecting an entire Union between my kingdoms. This great measure, on which my wishes have long been earnestly bent, I shall ever consider as the happiest event of my reign." The royal assent was given in Ireland to the Act of Union on August 1st. The Act was to come into operation on January 1st, 1801, and on that date the incorporate union of Great Britain and Ireland became an accomplished fact.

The Irish Parliament.

Legislative changes.

Under the Act of Union Ireland was to be represented in the Imperial Parliament by four bishops, sitting in annual rotation, by 28 temporal peers elected for life by the Irish peerage, and by 100 members of the House of Commons; Irish commerce was to be benefited by free trade being established between the two countries; Irish peers were made eligible for seats in the House of Commons; one Irish peer only was to be created when three Irish peerages had become extinct, and this was to continue until there were only 100 Irish peers.

Effect of the Union.

There can be no question that in many respects the Union has worked advantageously for Ireland; but there is equally no question that the means by which it was carried were objectionable in the highest degree. "Scarcely any element or aggravation of political immorality was wanting, and the term 'honour,' if it be applied to such men as Castlereagh or Pitt, ceases to have any real meaning in politics. Whatever may be thought of the abstract merits of the arrangement, the Union as it was carried was a crime of the deepest turpitude, a crime which, by imposing, with every circumstance of infamy, a new form of government on a reluctant and protesting nation, has vitiated the whole course of Irish opinion."[1] This is the language, not of a political fanatic, but of a responsible historian. Though the terms in which the judgment is couched may appear to some too severe, the judgment itself is undoubtedly one that will be accepted by posterity.

Irish reforms.

During the nineteenth century many great and salutary reforms have been effected by the Imperial Parliament for the benefit of Catholic Ireland—reforms making for civil freedom and religious equality. Though much yet remains to be done, these reforms should not be forgotten in that strife of parties for which Ireland seems to furnish a perpetual battlefield.

[1] Mr. Lecky's *Leaders of Public Opinion in Ireland.*

BOOK XIII.

PARLIAMENT IN THE NINETEENTH CENTURY.

CHAPTER I.

THE REIGN OF GEORGE IV.

The Cato Street conspiracy.

George IV. had occupied the throne but a few weeks, when a treasonable plot was discovered for the assassination of Ministers. The Cato Street conspiracy—for such was the name given to it—originated with a knot of desperate men who had for their object the incitement of the people to rebellion, and the murder of Lords Castlereagh and Sidmouth and the rest of the members of the Cabinet. The leader, Arthur Thistlewood, acted largely out of revenge against Lord Sidmouth, to whom he had sent a challenge, a proceeding which led to his imprisonment. It was arranged to assassinate the Ministers at a dinner at Lord Harrowby's on February 23rd, to set fire to London, seize the Bank and the Mansion House, and proclaim a provisional government. The plot, however, was betrayed by one of the conspirators, named Edwards, and the gang were attacked by the police while arming themselves in a stable in Cato Street, near the Edgware Road. During the struggle several criminals escaped, including the leader, Thistlewood, but he was captured next morning. The conspirators were brought to trial, and Thistlewood and four of his companions were executed, five others being transported for life.

Spies and informers.

On the initiative of Alderman Wood, the House of Commons twice discussed the case of the informer

CHAP. I. The Reign of George IV.

Edwards and his employment by the authorities. But the House negatived the motion for a select committee to inquire into the conduct of this acknowledged traitor, and Edwards was never punished. The relations of the executive with spies and informers were much commented upon; and shortly before this time Lord Sidmouth—who would not personally have connived at the use of covert incitements to treason—was severely condemned for accepting the services of an infamous spy named Oliver, whose conduct was indignantly denounced in both Houses.

The Princess Caroline.

From the constitutional point of view, the two chief features of the reign of George IV. were the vindictive proceedings against Queen Caroline and the cession of the Catholic claims. The whole story of Queen Caroline and her relations with her faithless and perjured husband is one of the most miserable in our history. The Princess was indiscreet, ill-disciplined, ill-educated, and sadly lacking in judgment; but she has been generally acquitted of the graver charges brought against her by her husband, who was notoriously guilty of the very offences alleged against his wife. She was repudiated in 1796 merely on the ground of the Prince's personal dislike; and in 1806 a "delicate investigation" was ordered into allegations of infidelity brought against her. By a Minute of Council in 1807, she was entirely acquitted of these charges. But she was soon deprived of access to her child, the Princess Charlotte of Wales. The public, under the lead of Canning and Brougham, warmly espoused her cause, for they were touched by her wrongs and disgusted with the conduct and character of her royal consort. In June, 1814, she went abroad, and fell into the hands of the Italian Bergami, which led to other charges being formulated against her.

Claims the title of Queen.

When the Prince ascended the throne, he ordered the Queen's name to be omitted from the Liturgy, and forbade royal honours to be paid to her at foreign courts. The Princess assumed the title of Queen, however, and returned to England, being received with great enthusiasm

in London. She demanded a public trial, instead of a secret investigation before a select committee, as proposed by Ministers. Mr. Brougham took the management of her case, and he and Mr. Denman were the Queen's commissioners, as the Duke of Wellington and Lord Castlereagh were those of the King. The Whigs and Radicals united in defence of the Queen. Negotiations for a settlement having fallen through, the secret committee appointed by the Lords reported in favour of a "solemn inquiry." The Queen prayed to be heard by counsel on certain preliminary and weighty matters, but her petition was refused. Lord Liverpool then brought in a Bill of Pains and Penalties, which was one of the most unconstitutional and discreditable acts of his administration. The measure was entitled "An Act to deprive her Majesty Queen Caroline Amelia Elizabeth of the title, prerogatives, rights, privileges, and exemptions of queen consort of this realm, and to dissolve the marriage between his Majesty and the said Caroline Amelia Elizabeth." Adultery and light conduct generally were charged against her, and the bill provided for her degradation and divorce.

Bill to degrade her.

The bill was read a first time, and the second reading fixed for August 17th. From this date to September 8th the House of Lords was engaged in receiving the evidence of witnesses for the bill. Tales of immorality told by Italian domestics were translated by interpreters at the bar of the House, and afterwards published broadcast by the newspapers. The counsel for the Queen had little difficulty in discrediting many of the witnesses. Meanwhile the public excitement was unparalleled, and little was heard throughout England but the story of the Queen and her wrongs. On November 6th the division on the second reading was taken in the Lords, when the majority in favour of the bill was only 28 in a House of 218. On the third reading, which took place on the 10th, the majority was reduced to 9. With such a state of feeling in the Upper House, Ministers knew that it was a hopeless

Its prosecution

and abandonment.

task to attempt to carry the bill, and Lord Liverpool at once announced their determination not to proceed further with the measure.[1] The joy of the nation was unbounded, and the law officers of her Majesty became the idols of the people. The story of the rest of the Queen's life is soon told. She went in procession to St. Paul's on November 29th to offer up thanks. In the ensuing session of Parliament she accepted a pension of £50,000 a year, and from this time her popularity began to wane. When George IV. was crowned with unwonted pomp and splendour on July 19th, 1821, she claimed to share the ceremony with him, but was refused admission to Westminster Hall. Dispirited in mind and weary of life, the unhappy Caroline of Brunswick died on August 7th following, in her fifty-third year.

The Queen's death.

The King's coronation.

The question of the Catholic claims now demands attention. On the death of Mr. Grattan, Mr. Plunket became the leader of the relief party; and in February, 1821, in a learned and eloquent speech, he moved for a committee in the House of Commons on the Roman Catholic oaths. The motion was carried by 227 to 221 votes. A bill, founded upon the resolutions of the committee, was subsequently brought in, which provided for the abrogation of the declarations against transubstantiation and the invocation of saints, and for a legal interpretation of the oath of supremacy in a sense not obnoxious to the consciences of the Catholics. Mr. Canning supported the measure, and the second reading was carried on March 16th by a majority of 11—254 to 243. Provisions

The Catholic claims.

[1] The most important occasion on which the House of Lords was called over in modern times was in connection with this bill for degrading Queen Caroline. The House imposed a fine of £100 for each day's absence, pending the three first days of the proceedings, and £50 for each subsequent day's absence, in default of payment the absenting peer to be taken into custody. No excuses were admitted save old age, sickness, bereavement, or absence from the country. In every call of the House, for whatever purpose, the roll-call begins with the junior baron; but in the appointment of a select committee the peer highest in rank comes first.

regulating the relations of the Roman Catholic Church with the State and with the see of Rome were introduced in committee, and the bill passed its third reading by a majority of 19—Ayes, 216 ; Noes, 197. In the Lords, however, the bill was thrown out by 159 votes to 120, chiefly through the determined opposition of the Duke of York.

Ministerial changes.

Before the question was mooted again the Grenville party had joined the Government, and Lord Wellesley had become Lord Lieutenant of Ireland. More important still, however, Lord Sidmouth retired from office in January, 1822, and Mr. Peel succeeded him as Home Secretary. Soon after Parliament met in 1822, it was announced that Mr. Canning had been appointed Governor-General of India, universal regret being expressed at such "a singular and unsatisfactory termination to the career of the greatest orator in either House of Parliament." This loss to public life, however, was averted by a melancholy event—namely, the suicide of Lord Londonderry (formerly Castlereagh). Mr. Canning was about to start for India, when his appointment was cancelled, and he was made Foreign Secretary in Lord Londonderry's room. Further Ministerial changes shortly took place, Mr. Robinson becoming Chancellor of the Exchequer, and Mr. Huskisson President of the Board of Trade.

Canning Foreign Secretary.

Disabilities of Catholic peers.

As the time was not yet ripe for yielding the whole of the Catholic claims, on April 30th, 1822, Mr. Canning endeavoured to obtain a partial concession by moving for a bill to relieve Roman Catholic peers from their disability to sit and vote in the House of Lords. In the time of Elizabeth, peers had been specially exempted from taking the oath of supremacy because the Queen was otherwise sufficiently assured of their faith and loyalty. In pursuance of this right, Catholic peers continued to sit in the Upper House unquestioned until the times of the infamous Titus Oates. By the act of 30 Charles II. they were disqualified for sitting and also for advising the Crown as hereditary councillors. The latter disqualification was

removed in 1791, and it was now sought to abolish the former. Mr. Canning spoke powerfully of the humiliations to which the Catholics were subjected, and pointed out that the Duke of Norfolk, "who headed the procession of the peers to-day, could not sit among them as their equal on the morrow." The motion was ably opposed by Mr. Peel and as ably supported by the eloquence of Mr. Plunket, and leave was given to bring in the bill by 249 to 244 votes. The second reading was carried by a majority of 12, and the bill was unopposed at the remaining stages. But the Lords again stood in the way, and rejected the measure by 171 to 129.

Attacks on Canning.

The Catholics and their leaders now grew extremely irritable, and on April 17th, 1823, a debate took place in the Commons which was in every way regrettable. Although Mr. Canning, who was opposed by most of his Ministerial colleagues, had again and again shown his attachment to the cause, Sir F. Burdett fiercely attacked him for his supposed defection. Mr. Tierney also charged him with ruining the hopes of the Catholics by not making emancipation an imperative question on taking office; and Mr. Grey Bennet declared that "he now thought the affair was a perfect trick, or what, in familiar language, was called a humbug." The sensitive Minister bore these taunts bravely, but when Mr. Brougham followed with a violent and insulting speech, in which he spoke of "monstrous truckling," "political tergiversation," etc., Mr. Canning could remain quiet no longer. Starting up, he fixed his eye upon his opponent, and remarked with forced calmness, "I rise to say that that is false." The matter was not adjusted for some time, but at length Mr. Plunket was allowed to proceed with his motion touching the Catholic claims. Ultimately the House agreed to an adjournment by 313 to 111 votes.

Attempts at Catholic relief.

In May, 1823, Lord Nugent introduced two measures of modified relief—to which Mr. Peel assented—one extending to English Catholics the elective franchise, and

the other admitting them to the commission of the peace and to corporate offices. When the bills came before the Lords, however, one of them was rejected, and the other dropped. These measures were revived, but unsuccessfully, in the following year. Equally abortive attempts were made by Lord Lansdowne and Dr. Phillimore to remove the pressure of the marriage laws upon the Roman Catholics. In May, 1824, Lord Lansdowne further endeavoured to obtain for English Catholics the elective franchise, the right to serve as justices of the peace, and the right to hold offices in the revenue. The motion was rejected, but one act of individual toleration was passed this year, by which the Duke of Norfolk was enabled to execute his hereditary office of Earl Marshal without taking the oath of supremacy, or subscribing the declarations against transubstantiation and the invocation of saints.

The Catholic Association.

Great discontent prevailed in Ireland in consequence of the repeated failures of the Catholics to obtain justice. Daniel O'Connell had already in 1823 called into existence the Catholic Association, which speedily became most cosmopolitan in character. By means of officers called wardens, it raised a subscription all over Ireland called the Catholic Rent. It also appointed committees, received petitions, and conducted a census of the Catholic population. In the session of 1825 Parliament passed a bill suppressing the Association, limited to three years. But no legislative measures could now arrest the progress of the Catholic cause. During the discussions on the Catholic Association Bill, Mr. Canning delivered a memorable speech, in which he reviewed the history of the Catholic question and his own conduct in relation to it. It was a speech of deep autobiographic interest. The orator showed how he had endeavoured to serve the Catholic leaders, though they were "hard taskmasters." He had sacrificed his own interests to the cause. "In the year 1812," he said, "I refused office rather than enter an administration pledged against the Catholic question. I did this at a time when office would have

Speech by Canning.

CHAP. I. The Reign of George IV.

been dearer to me than at any other period of my political life, when I would have given ten years of life for two years of office, not for any sordid or selfish purpose of personal aggrandisement, but for far other and higher views." He had also surrendered an object that was far more to him than all the blandishments of power and all the rewards and favours of the Crown, and that was the hope of representing his university (Oxford) in Parliament. The speech made a great impression, and gave a strong impetus to the cause of emancipation. It was a singular anomaly in this distinguished statesman's career that, while he so warmly supported the Catholic claims, he opposed the repeal of the Test Act, which pressed heavily upon Protestant Dissenters.

The Duke of York and the Catholics.

In March, 1825, Sir F. Burdett carried a Relief Bill through the Commons, which provided a new oath in lieu of the oath of supremacy as a qualification for office, and regulated the intercourse of Irish Roman Catholic subjects with the see of Rome. The measure passed its second reading by 268 to 241, and its third reading by 248 to 227. While the bill was going through the Lower House, the heir-presumptive, the Duke of York, seized the opportunity in the House of Lords to declare that if he succeeded to the throne he should be animated in this matter by the same principles as his father. He had the same scruples of conscience about the coronation oath. "These were the principles," said the Duke, "to which he would adhere, and which he would maintain and act up to, to the latest moment of his existence, whatever might be his situation of life, so help him, God!" About the same time Mr. Plunket spoke effectively on the other side in the Commons. Referring to the bigoted plea of the danger of innovation, he said, "Time was the greatest innovator of all. Arrest his course they could not, but they might vary the forms and aspects of their institutions so as to reflect his varying aspects and forms. If this were not the spirit which animated them, philosophy would be impertinent, and history no better than an old almanack."

These speeches were taken up respectively by the foes and friends of the Catholics, and there was great popular excitement. The House of Lords, however, rejected the Relief Bill by a majority of 48—178 to 130 votes—and "the glorious forty-eight" became the toast of the ultra-Protestants.

The Catholic clergy.

On April 29th, 1825, Lord Francis Leveson Gower brought forward a resolution in the House of Commons declaring it to be expedient that provision be made by law for the maintenance of the Roman Catholic clergy in Ireland. The motion was carried by 205 to 162, but it led to no practical result.

Canning becomes Prime Minister.

The hopes of the Catholics rose to the highest pitch when Mr. Canning became Prime Minister in April, 1827, after the resignation of Lord Liverpool. The Duke of Wellington, Lord Eldon, and Mr. Peel refused to serve under the new Premier, but he was joined by some of the Whigs. The Ministry included the following:—First Lord of the Treasury and Chancellor of the Exchequer, Mr. Canning; Chancellor, Lord Lyndhurst; Home Secretary, Mr. Sturges Bourne; Foreign Secretary, Lord Dudley; War Secretary, Lord Palmerston; Colonial Secretary, Lord Goderich. The Duke of Portland, the Duke of Clarence, Lords Anglesey and Harrowby, and Mr. Huskisson also held appointments. Unfortunately, the cares of office and the bitter attacks of his opponents broke down the spirit of the brilliant head of the Administration, who expired on August 8th, 1827, only four months after the formation of his Government. His last important act was the conclusion of the Treaty of London—between England, France, and Russia—by which the liberation of Greece was secured. We cannot pass from the great name of Canning without some references to his liberal foreign policy. It was he who asserted the independence of Great Britain in relation to European affairs, and who prevented her from becoming entangled by the Holy Alliance. He secured an Anglo-French agreement respecting the affairs of Spanish America, and adjusted the relations of Brazil and Portugal. He protected

His premature death.

His Foreign Policy.

A famous Speech.

Portugal from Spanish invasion, and was the first to recognise the independence of the Spanish colonies in America. In one of the latest and most celebrated of his speeches, made in reply to the taunt that the dignity of England had been lowered by the French occupation of Spain, there occurred this passage, which closed with a phrase now become historic: "Was there no other mode of resistance for England than by a direct attack upon France or by a war to be undertaken on the soil of Spain? What if the possession of Spain might be rendered harmless in rival hands—harmless as regarded us and valueless to the possessors? Might not compensation for disparagement be obtained, and the policy of our ancestors vindicated, by means better adapted to the present time? If France occupied Spain, was it necessary, in order to avoid the consequences of that occupation, that we should blockade Cadiz? No. I looked another way. I sought materials of compensation in another hemisphere. Contemplating Spain such as our ancestors had known her, I resolved that if France had Spain, it should not be Spain 'with the Indies.' I called the New World into existence to redress the balance of the Old."

The New World and the Old.

Goderich Premier.

On the death of Mr. Canning, Lord Goderich (formerly Mr. Robinson) became Prime Minister. Although supported by many of his predecessor's colleagues, he was unable to reconcile the jarring elements in his administration; and after a provisional rule of five months he surrendered the seals of office.

Government of the Duke of Wellington.

The Duke of Wellington came into power at the head of a Tory Ministry. Lord Lyndhurst was Chancellor, Mr. H. Goulburn Chancellor of the Exchequer, Mr. Peel Home Secretary, Lord Dudley Foreign Secretary, Mr. Huskisson Colonial and War Secretary, Lord Palmerston Secretary-at-War, and Mr. Grant President of the Board of Trade. In the course of a few months all the Liberal members of the Government seceded from it, including Lords Palmerston and Dudley, Mr. Huskisson, Mr. Grant, and Mr. Lamb (afterwards Lord Melbourne).

The Catholic question.

Catholic emancipation was an open question in the new Cabinet, though the Premier in the Lords and the leader in the Commons were as yet determined in their opposition to it. Events were marching rapidly, however, and this reactionary Ministry was destined to carry the measure which men of more liberal tendencies had struggled for in vain. On May 8th, 1828, Sir F. Burdett brought forward a resolution in favour of the Catholic claims. During the debate, which occupied three nights, several conversions were avowed, and the motion was carried by a majority of six in a House consisting of 538 members. This resolution was communicated to the Lords at a conference, but after a lengthy debate their lordships refused to concur in it by 181 to 137. However, the alarming state of Ireland soon demonstrated that some change was necessary, and the result of the Clare election further opened the eyes of the Government. Mr. Vesey Fitzgerald, on accepting office, had vacated his seat for county Clare, and on going before his constituents for re-election found himself opposed by Mr. O'Connell. The polling began on June 30th, but in the course of a few days Mr. Fitzgerald withdrew. Although he was an excellent candidate, and a supporter of the Catholic claims, the people resolved to afford a signal proof of their earnestness by returning their own champion. Meantime the fidelity of the Catholic soldiers in Ireland had become doubtful, while the Catholic Association had been revived in all its former strength.

Attitude of the Ministry.

Mr. Peel now expressed his conviction that the time had come for granting the Catholic claims, and the necessity for action was also admitted by the Duke of Wellington, Lord Anglesey (the late Irish Viceroy), and Lord Lyndhurst. One great opponent of the Catholics, the Duke of York, had been removed some time before by the hand of death. The King, however, declared his intention not to yield, and the bishops were equally determined. But the serious representations of Mr. Peel caused his Majesty to modify his attitude, and when Parliament opened on February 5th, 1829, the royal speech

referred to the disorders in Ireland caused by the revival of the Catholic Association, but also recommended Parliament to consider whether the disabilities of Catholics could not be removed. Mr. Peel resigned his seat for Oxford University on February 4th, in order to give his constituents an opportunity of pronouncing their opinion upon the new policy. He was opposed by Sir Robert H. Inglis, and, after a spirited contest, defeated by 146 votes out of a total poll of 1,364. But the borough of Westbury at once returned the rejected Minister. An act suppressing the Catholic Association was carried through both Houses in February, but before it became law the Association had dissolved itself, having accomplished its mission.

Peel defeated at Oxford.

The Catholic Association suppressed.

Relief Bill introduced.

The way now seemed clear for the Relief Bill of the Government; but on March 3rd the King, on learning that the supremacy oath was to be altered, refused his consent to the measure. Thereupon the Duke of Wellington, Mr. Peel, and the Lord Chancellor resigned, but resumed office on receiving from his Majesty his consent in writing. At length, on March 5th, Mr. Peel introduced the Catholic Relief Bill in the House of Commons in a speech of four hours' duration, which was repeatedly interrupted by enthusiastic plaudits. The measure admitted Roman Catholics, on taking a new oath instead of the oath of supremacy, to both Houses of Parliament, to all corporate offices, to all judicial offices except in the ecclesiastical courts, and to all civil and political offices except those of Regent, Lord Chancellor of England or Ireland, and Lord-Lieutenant of Ireland. Touching the dispensation of Church patronage, however, restraints were imposed upon the interference of Roman Catholics. It was further proposed to prevent the insignia of corporations from being taken to any place of religious worship except the Established Church, to restrain Roman Catholic bishops from assuming the titles of existing sees, to prevent the admission of Jesuits into the country, to ensure the registration of those already here, and to discourage the extension of monastic orders.

Its provisions.

In unfolding his scheme, Mr. Peel pointed out that, in consequence of recent events, it was impossible to remain stationary on this question, and he forcibly emphasised the evils of divided Cabinets and distracted councils. They must either grant further privileges to Roman Catholics or retract those previously given. The great bulk of the House was already converted to the Ministerial view, and the motion for going into committee was approved by the large majority of 188—348 votes to 160. The second reading was carried, after a lengthy debate, by 353 to 173, and the third reading by 320 to 142. In closing the debate on the second reading, Mr. Peel frankly confessed that the measure was due to the efforts of the Opposition. "The credit belongs to others," he said, "and not to me; it belongs to Mr. Fox, to Mr. Grattan, to Mr. Plunket, to the honourable gentlemen opposite, and to an illustrious and right honourable friend of mine who is now no more. By their efforts, in spite of every opposition, it has proved victorious."

Peel on the measure.

The bill came on for second reading in the Lords on April 2nd. The Duke of Wellington justified the measure in an interesting, and, for him, a lengthy speech. Apart from other considerations, he showed its necessity in order to avert a civil war, and he made this memorable declaration: "If I could avoid, by any sacrifice whatever, even one month of civil war in the country to which I am attached, I would sacrifice my life in order to do it." The bill was opposed by the Archbishops of Canterbury, York, and Armagh, the Bishops of London, Salisbury, and Durham, and several lay peers. Lord Eldon also, alone almost among statesmen, still lifted up his voice against a measure to which he had offered a lifelong resistance. The bill had the support of the Duke of Sussex, the Bishop of Oxford, Lords Lyndhurst, Grey, Plunket, and other well-known peers. The second reading was carried by 217 to 112 votes, and the third reading, taken on April 10th, by 213 to 109. As the whole House of Peers in George IV.'s time consisted of only 372 members, it will be seen how large these divisions were.

The Bill in the Lords.

Passing of the measure.

Protests against the measure were signed by the Dukes of Cumberland and Newcastle, Lords Eldon, Sidmouth, Bexley, and 34 other peers. The Tories severely blamed their leaders for carrying Catholic emancipation, and the change of view with the Duke of Wellington and Mr. Peel was certainly extremely rapid; but the question is, Was it justifiable? Posterity has endorsed their action; and it has frequently happened in our political history that statesmen have been irresistibly borne forward by the current of events, when resistance would have been detrimental, perhaps fatal, to the highest interests and the peace of the nation. Since Mr. Peel's action on Catholic emancipation the truth of this has been attested by Liberal and Conservative statesmen alike, with regard to other important questions.

Its justification.

The Irish Franchise.

The Relief Act was immediately followed by an act dealing with the elective franchise in Ireland. It disfranchised 40*s.* freeholders and raised the qualification to £10. The principal reason urged for this measure was that by the multiplication of small freeholds a large number of dependent voters had been created who were subject to the influence of the priests. Most of these small freeholds owed their origin to the Protestant landlords, but the voters had transferred their allegiance to the priests, so that, as Mr. Peel remarked, the weapon forged by the landlord had broken short in his hand. The bill quickly passed through both Houses. The Catholics did not like it, but accepted it as the price of emancipation, while the Protestants welcomed it as a protection against priestly influence.

Catholic Peers in the Lords.

O'Connell and County Clare.

A number of Roman Catholic peers took the oaths and their seats in the House of Lords on April 28th and May 1st, including the Duke of Norfolk and Lords Clifford, Stafford, and Petre. Mr. O'Connell sought to do the same in the Lower House for county Clare, but was prevented, as the new oath was restricted to members returned after the passing of the act. The Irish leader pleaded his own case powerfully at the bar, but the act was clearly and emphatically against him. A new writ

was issued for county Clare, and Mr. O'Connell was returned without opposition, but he never forgot his previous exclusion, which embittered his diatribes against "the enemies of Ireland." Catholic emancipation had been so long delayed that its effects failed to fulfil the anticipations of the most sanguine, though it marked a stage in the earnest desire of statesmen to effect the peaceable regeneration of Ireland.

Repeal of the Test and Corporation Acts.

Another great measure of a religious character passed at this period was the act for the repeal of the Test and Corporation Acts. It owed its passage to Lord John Russell, a young member destined to acquire honourable renown as a statesman. Lord John was the third son of the sixth Duke of Bedford. He was born in 1792, educated at Edinburgh, and in 1813 was returned for Tavistock in the Whig interest, a month before he came of age. He speedily identified himself in the House with the subject of Parliamentary reform, and with civil and religious questions generally. On February 26th, 1828, his lordship moved for a committee to consider the Test and Corporation Acts. In an able historical survey he showed that the acts bore no relation to present times and circumstances. The Dissenters might have appeared dangerous to the House of Stuart, but they were certainly loyal subjects of the House of Hanover, and did not deserve to be excluded from civil office by the Corporation Act; while, as to the Test Act, it was originally intended as a barrier to the Church against the King. The penalties were of various kinds, and included a pecuniary one of £500. Mr. Peel was weak in his opposition. While admitting Lord John Russell's premises, he argued that the Dissenters did not really suffer, as they were incessantly relieved by indemnity bills. Mr. Huskisson was equally weak, not desiring to relieve Dissenters because of the insult it would imply to the Catholics while their own disabilities remained. The House, however, agreed to the motion by 237 to 193 votes. A bill was introduced and passed by the Commons with the substitution of a declaration for the

Lord John Russell.

sacramental test as the only amendment suggested by the bishops. The measure was discussed in the Lords on April 17th. The Archbishop of York, in accepting it, remarked that "religious tests imposed for political purposes must in themselves be always liable more or less to endanger religious sincerity." The bill was read a second time without a division, but not without an emphatic "Not content" from that faithful champion of bigotry Lord Eldon, who described the measure in his private correspondence as "shameful," "mischievous," and "revolutionary." In committee there was unfortunately inserted, on the motion of the Bishop of Llandaff, the formula "on the true faith of a Christian." This amendment directly excluded the Jews, and in condemning it Lord Holland reminded the House that there was nothing to keep Jews out of Parliament since the reign of Charles II., except the abjuration oath introduced into the Toleration Act. They were now again expressly wronged, and were not relieved from their disabilities for thirty years. The bill was passed by the Lords without further amendments, but protests against this excellent measure of toleration were signed by the Dukes of Cumberland and Newcastle, Lords Eldon and Redesdale, and seven other peers.

Jews excluded.

Parliamentary Reform.

The progress of Parliamentary reform during the reign of George IV. must now be briefly traced. In the session of 1820 Lord John Russell had taken up the question of the disfranchisement of boroughs notoriously corrupt, and had brought forward a bill for disfranchising Grampound. It reached the House of Lords, but was dropped because of the prorogation. Again passed by the Commons in 1821, it went to the Lords, with a clause giving the two vacant seats to the important town of Leeds. The Lords ignored this extension of the principle of borough representation, and assigned two additional members to the county of York instead. The amendment was accepted, and the bill passed in this form. On April 17th, 1821, Mr. Lambton brought forward a suffrage scheme, proposing, in lieu of

the borough representation, to divide counties into districts containing twenty-five thousand inhabitants, each returning a member, and instituting a household franchise, but his motion was negatived by 55 to 43. Lord John Russell next moved resolutions on May 19th touching bribery, the disfranchisement of corrupt boroughs, and the transfer of the seats to populous places, but the resolutions were superseded by the previous question. In 1822 Lord John, who now described himself as having "served an apprenticeship in the cause of reform," proposed a resolution to the effect that the present state of the representation required serious consideration, but the motion was negatived by 269 to 164 votes. It was reintroduced in the following year, when the mover was supported by numerous petitions, including one from seventeen thousand Yorkshire freeholders, but the motion was lost by 280 to 169. Yet a third time, in 1826, was the same resolution brought forward, but it was now rejected by 247 to 123.

Corrupt boroughs.

The Marquis of Blandford came forward as a reformer at this period. In the session of 1829 he moved a resolution condemning close and corrupt boroughs, but found only 40 supporters. At the opening of the following session he moved an amendment to the Address, setting forth the necessity of improving the representation. He was seconded by Mr. O'Connell, but the motion was rejected by 96 to 11. Nothing daunted, his lordship next moved for leave to bring in a bill to restore the constitutional influence of the House of Commons, but he was defeated by 160 to 57.

Electoral abuses.

Electoral abuses and bribery gave rise to numerous motions. In consequence of the alleged use of corporate funds for election purposes by the corporations of Northampton and Leicester, a bill to restrain such corporate abuses passed the Commons in 1827, but Lord Eldon secured its rejection in the Upper House. In 1827 Lord John Russell made an unsuccessful attempt to disfranchise Penryn and East Retford for bribery; but in the following year two bills were introduced—one by Lord John Russell,

Disfranchisement proposals.

CHAP. I. The Reign of George IV.

transferring the franchise from Penryn to Manchester, and another by Mr. Tennyson, disfranchising East Retford and giving its representatives to Birmingham. The opposition of the Government to the latter proposal led to the secession of Mr. Huskisson and the other Liberal members of the Ministry. The Penryn bill was thrown out by the Lords, and the East Retford bill was abandoned in the Commons. In February, 1830, Lord John Russell proposed to enfranchise Leeds, Birmingham, and Manchester. This moderate measure was opposed on the ground that the claims of other large towns could not afterwards be resisted, and the motion was lost by 188 to 140. During this debate, Mr. Huskisson predicted that the time was coming when the franchise must be granted to the populous manufacturing districts, and when his Majesty's Government would propose such a measure as necessary for the salvation of the country. Mr. Calvert next introduced a bill for transferring the representation of East Retford to Birmingham, but it was defeated by an amendment extending the right of voting for East Retford to the hundred of Bassetlaw, the numbers being 126 to 99. A motion by Mr. O'Connell to introduce the ballot only found 21 supporters, but among these were Lord Althorp, Mr. Hume, Sir F. Burdett, and Mr. Hobhouse. In May, 1830, Mr. O'Connell's motion on behalf of triennial Parliaments, the ballot, and universal suffrage was rejected by 319 to 13; and a resolution moved by Lord John Russell, "That it is expedient to extend the basis of the representation of the people," was lost by 213 to 117. During the debate Mr. (now Sir Robert) Peel said he considered that the popular voice was already sufficiently heard in the House of Commons.

The Ballot.

Commercial policy.

A liberal commercial policy was inaugurated during the reign by Mr. Huskisson, who found a supporter in Mr. Canning. The latter also was a consistent advocate of negro emancipation, though he favoured a gradual policy on this question. As Free Trade made some decided steps towards realisation under the guidance of

Mr. Huskisson, the early history of the Corn Laws may be briefly sketched at this juncture. With regard to the exportation of corn, the first prohibition by act of Parliament was in 1360, but before then the practice had been forbidden by the Crown. In 1436 exportation was permitted when the price was below 6*s.* 8*d.* per quarter, which was increased to 10*s.* in 1562. Acts passed in 1570, 1593, 1604, 1623, 1656, 1660, 1663, and 1670 imposed various rates of export duties, the amount in the last-named year being 5*s.* 4*d.* per quarter when the price was at 53*s.* 4*d.* The export duties were abolished in 1689, and a bounty of 5*s.* was ordered on exportation when the price was under 48*s.* By Burke's act of 1773 bounty and exportation were alike prohibited when the price was at or above 44*s.* In 1791 the act of 1773 was repealed, and the prohibitory price was raised to 46*s.*; it was still further raised to 54*s.* in 1804, the bounty ceasing at 48*s.* Bounties were abolished in 1814, and exportation permitted without duty. As regards importation, it was forbidden by an act of 1463 when the price was under 6*s.* 8*d.* per quarter. In 1670 a varying scale of duties was imposed. By the act of 1773 foreign corn was admitted at a nominal duty of sixpence when the price reached 48*s.*, while it was 24*s.* 3*d.* when at 44*s.* and under. This act proved very serviceable, while it inflicted no injury upon the agricultural interests. The act of 1791 increased the respective limits for importation to 54*s.* and 50*s.*, and that of 1804 to 66*s.* and 63*s.*

The Corn Laws.

The Corn Law Act of 1815 prohibited importation when the price was below 80*s.* per quarter. This measure proved disastrous in its operation, and a futile effort was made to amend it in 1822. In the session of 1823 Mr. Whitmore moved to reduce the importation price by 2*s.* annually until it reached 60*s.*, but the resolution was negatived by 78 to 25. In the following session a motion to admit importation at 55*s.* was rejected by 187 to 47; and a similar motion in 1826 was lost by 215 to 81. Mr. Canning introduced a Corn Bill in 1827

Corn importation.

CHAP. I.
The Reign of George IV.

providing a sliding scale of 20*s.* duty when the price was at 60*s.*, decreasing to 1*s.* at 70*s.*, and increasing by 2*s.* for every 1*s.* decrease in price. It passed the Commons, but was lost in the Lords through an amendment of the Duke of Wellington to the effect that foreign corn should not be taken out of bond till the price reached 66*s.* In 1828 Mr. Charles Grant proposed resolutions similar to those of Mr. Canning. These were carried, and formed the basis of Wellington's sliding scale passed that year. The duty under the sliding scale was to be 36*s.* 8*d.* at 50*s.*, decreasing to 16*s.* 8*d.* at 68*s.* and 1*s.* at 73*s.*, and increasing as the price fell. An amendment by Mr. Hume for a fixed duty of 15*s.*, to be reduced to 10*s.*, in 1834, was negatived by 139 to 27. In 1829 Mr. Hume moved for a committee to consider the Corn Laws with a view to their repeal, but he was defeated by 154 to 12. A similar motion in 1831 was rejected by 194 to 6, which formed the low-water mark in the opposition to these laws. After this the movement for repeal began to gain strength.

Wellington's Sliding Scale.

Education.

The course of general legislation under George IV. demands some attention. Noble efforts on behalf of popular education were made by Mr. Brougham, and he produced elaborate plans in 1816 and 1820, but unfortunately the time was not yet ripe for inscribing measures of national education upon the statute book. Sir James Mackintosh, upon whom had fallen the mantle of Romilly, was more successful with his criminal law reforms. He carried three bills, under one of which shop-lifting to the value of 5*s.* ceased to be punishable with death. The Lord Chancellor thought small tradesmen would be ruined by this relaxation, while Lord Redesdale was equally alarmed by the proposal that men should no longer be put to death for blackening their faces in the commission of robberies by night, and this latter clause was actually struck out. The capital sentence was removed from certain offences, however, some of which were serious, though the majority were trivial. The license of the press was shown at this time in the great number of libellous and slanderous articles

The Criminal Laws.

The Press.

which appeared. The laws were severe enough, but in 1821 the Constitutional Association was formed for the purpose of tracking offenders and facilitating the execution of the law. The dangers of such irresponsible legal adjuncts were forcibly shown by Mr. Brougham and Mr. Whitbread in the House of Commons, and the judges of the King's Bench likewise perceived them, and allowed members of the association to be challenged as jurors. The influence of the association was thus effectively crippled.

Efforts towards Free Trade.

The session of 1823 marked a salutary change in the whole commercial policy of England. First, Mr. Huskisson brought forward his Reciprocity of Duties Bill, by which all duties and drawbacks were to be imposed and allowed on all merchandise equally, whether carried in and out by British or foreign vessels. This measure, which passed the Commons by 75 to 15, largely modified the old Navigation Acts, and practically freed British and foreign shipping. The President of the Board of Trade further offered to free the Spitalfields silk manufacture from restrictions such as the settlement of wages by a magistrate, but eleven thousand journeymen petitioned against this, and the matter was dropped. He further offered to remit the import duty on raw cotton if the manufacturers would consent to give up the export duty, but they declined. In the session of 1824 the act fixing the wages of Spitalfields weavers was at length repealed —a proceeding which in effect saved the silk manufacture. Measures relating to the freedom of labour were also passed. All acts limiting the free travelling about of workmen were totally repealed. All laws controlling the combination of either masters or workmen were likewise repealed, but in the ensuing session combinations to intimidate employers were made illegal. The duties on silk and on wool were largely reduced. An act was passed establishing a uniformity of weights and measures. They were now settled by natural standards, while the old denominations were retained.

Tribute to Huskisson.

In the course of a few years of progressive legislation, Mr. Huskisson did much to justify the claim on his behalf

that during the short period he was at the Board of Trade he did more to improve our commercial policy than all the Ministers who had preceded him for a hundred years.

Law reforms.

Nor were the abuses in the law allowed to sleep. In 1825 a commission was appointed to inquire into the administration of the Court of Chancery, and it rendered very useful service in emphasising the need of reforms. Mr. Brougham took up the question of law reform in 1828, and his masterly speech of six hours delivered in Parliament on February 7th suggested many of the improvements and reforms which have since been effected in the legal system.

Monetary panic in 1825.

A great monetary panic occurred in England in 1825, the result chiefly of the mania for wild and hazardous speculation which had seized upon all classes. The crash of joint stock companies and banks was greater than during the panic of 1792. Seventy houses failed during the last six weeks of the year, and it is said the Bank of England itself was only saved by the discovery of a batch of seven hundred thousand one-pound notes. Mr. Peel's Currency Act had come into operation in 1823,

Government measures.

but exceptional measures were now necessary. Notes for less than £5 were suppressed, and by the repeal of the law of 1708 banks with any number of partners became permissible beyond sixty-five miles from London, while the Bank in return was allowed to establish branches to be carried on by its agents. A welcome

Financial relief.

financial measure was passed in 1826, when the house-tax on houses under £10 rent and the duty on houses with less than seven windows were abolished. The Chancellor of the Exchequer gave important financial relief to the people by his Budget of 1830. The duties were removed on beer, cider, and leather, and it was calculated that this afforded direct relief to the extent of £3,400,000, and indirect relief to the amount of

The Welsh judicature.

£1,600,000. During the same session Wales was annexed to the English judicature, and the number of English judges increased from twelve to fifteen. Mr.

Forgery Bill.

Peel also carried a bill circumscribing the infliction of the punishment of death for forgery.

Influence of the Crown.

The influence of the Crown during the reign of George IV. came under animadversion in Parliament as it had done under the rule of his father. On June 24th, 1822, Mr. Brougham brought forward a motion declaring that the influence of the Crown was "unnecessary for maintaining the constitutional prerogatives, destructive of the independence of Parliament, and inconsistent with the well-governing of the realm." The mover insisted that the power of the Crown had greatly increased since Dunning's motion in 1780, although the number of placemen in the House had diminished. Lord Londonderry replied that the influence of the Crown was counteracted by the increasing freedom of the press and by other causes, and the motion was negatived by 216 to 101. With regard to the Civil List of George IV., the King on his accession informed Parliament that he had no wish to alter the settlement of 1816. As the Civil List was now free from the expenses of the late sovereign, it was fixed by the House of Commons at £845,727; but during the whole of his reign George IV. enjoyed, in addition to this income, the hereditary revenues of Scotland and the Civil List for Ireland, which averaged respectively £109,000 and £250,000. He received likewise various Crown, Admiralty, West India, and other dues.

The Civil List.

Death of George IV.

George IV. died on June 26th, 1830, in the sixty-eighth year of his age and the eleventh of his reign. He was cruelly selfish and vicious as a man, and unconscientious and obstructive as a sovereign; but he dressed well, and played the flute! England wants something more than this in a ruler. Yet in spite of George IV.'s reactionary policy, she won during his reign some substantial constitutional advantages. These benefits, which were largely wrung from the sovereign against his will, included the emancipation of the Roman Catholics and the Dissenters, greater freedom for the press, a considerable relaxation of the criminal code, the reduction of taxation, and the recognition and partial concession of Free Trade.

Constitutional gains in his reign.

CHAPTER II.

WILLIAM IV. AND PARLIAMENTARY REFORM.

William IV.

William IV., "the sailor King," was sixty-five years of age when he ascended the throne. He had married in 1818 the Princess Adelaide of Saxe-Meiningen, by whom he had two daughters, but both died soon after their birth; consequently the heiress-presumptive to the crown was the Princess Victoria, daughter of the late Duke of Kent. The reign of William IV. was very brief, but it is memorable in English history for the number and importance of its reforming statutes. Parliament was dissolved shortly after the King's accession, and at the ensuing elections the progressive party was greatly strengthened.

Character of his reign.

Wellington on Reform.

The first session of the new Parliament opened on November 2nd, 1830. The King's speech was disappointingly barren, and during the debate on the Address the Duke of Wellington uttered that unwise and extraordinary declaration on the subject of Reform which proved the death-knell of his Ministry. He said that "the country possessed a Legislature which answered all the good purposes of legislation, and this to a greater degree than any Legislature ever had answered in any country whatever. He would go further and say that the Legislature and the system of representation possessed the full and entire confidence of the country." This statement was notori-

KING WILLIAM IV. 2C

ously at variance with popular opinion, which was already clamouring for Reform. In the House of Commons the same night Mr. Brougham gave notice that he should bring forward in a fortnight the question of the representation. On the 15th Sir Henry Parnell proposed his motion for a committee of inquiry into the Civil List, which was carried against the Government by 233 to 204. Ministers thereupon resigned. In addition to the unpopularity incurred by his opposition to Reform, the Duke of Wellington suffered odium through his ill-advised prosecutions of the press in 1830. The prolonged attempts of the Government to suppress the freedom of the press practically came to an end in 1831 with the unsuccessful prosecution of Cobbett by the Whig Attorney-General.

Defeat of Ministers.

Earl Grey became Prime Minister on the resignation of the Duke, and formed a Government out of the Whigs and the followers of Canning and Grenville. The Ministry included, besides the First Lord, Brougham as Lord Chancellor, Althorp as Chancellor of the Exchequer, Melbourne Home Secretary, Palmerston Foreign Secretary, Lansdowne President of the Council, Durham Lord Privy Seal, Sir J. Graham First Lord of the Admiralty, Goderich War and Colonial Secretary, Mr. Stanley Chief Secretary for Ireland, Mr. Wynn Secretary-at-War, and Messrs. Spring Rice and Ellice Secretaries to the Treasury. Other posts were occupied by Lords Holland and Auckland, Mr. Charles Grant, Lord John Russell, and the Duke of Richmond. Mr. Macaulay, the future historian, joined later as Secretary to the Board of Control. The Ministry was thus distinguished in talent. Lord Grey stipulated in the outset that Reform should be a Cabinet question. The King at first viewed the Reform policy with distrust and apprehension, but Ministers at length convinced him of its necessity.

Earl Grey becomes Premier.

Parliament adjourned to February 3rd, 1831, to prepare its measures, and during the recess there were tumultuous processions and meetings in Ireland, and popular discontents, with machine-breaking and other outrages, in

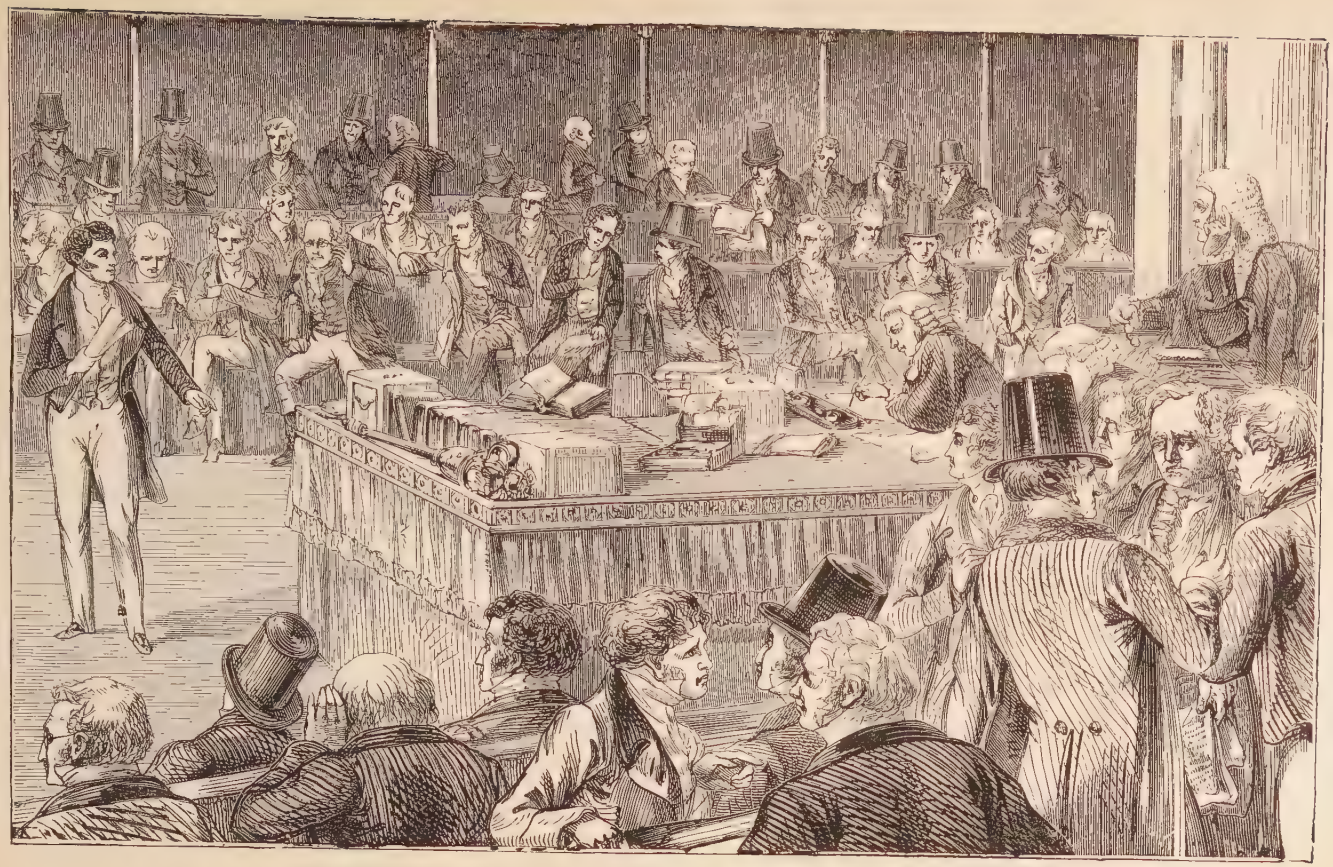
The first Reform Bill.

CHAP. II. William IV. and Parliamentary Reform.

England. Shoals of petitions in favour of Reform were sent up to London. The Reform Bill was entrusted to Lord John Russell, and the ability with which he conducted this great measure widely enhanced his reputation and his popularity with the country. The bill was brought forward by his lordship in the House of Commons on March 1st. It proposed to disfranchise 60 of the smallest boroughs; to take one member each from 47 others; and to effect various other changes. After a considerable distribution of seats, the House of Commons would be reduced from 658 to 596 members. A £10 household franchise was to be established in boroughs instead of the old rights of election; and corporations were to be deprived of their exclusive privileges. Altogether about five hundred thousand persons would be enfranchised. The measure was too sweeping for the opponents of Reform, and not sweeping enough for the Radicals; but the Reform party generally accepted it for its meritorious features and its bold dealing with corruption. Some thought the power of the aristocracy would be destroyed by the bill, but Lords Grey and Althorp held that it was an aristocratic measure. The debate lasted for seven nights, and 71 members took part in it. The first reading was agreed to, and out of doors the people raised the cry which was to be heard for many months to come: "The bill, the whole bill, and nothing but the bill!" On March 21st the second reading was carried by a majority of one only—302 to 301—this being the fullest House which had ever divided up to this time. On April 18th the bill went into committee, when General Gascoyne's amendment that the number of members of Parliament for England and Wales ought not to be diminished was carried against the Government by eight votes—299 to 291. On the 21st Ministers announced that they should not proceed with the bill, and on the morning of the 22nd they were again defeated on a question of adjournment, by a majority of 22.

Parliament dissolved.

This was the real crisis in the history of the measure. Ministers demanded a dissolution, to which the King, after



LORD JOHN RUSSELL INTRODUCING THE REFORM BILL IN THE HOUSE OF COMMONS.

much demur, assented. In the House of Lords, on the afternoon of the 22nd, Lord Wharncliffe rose to move an address to the Crown against a dissolution, when cries of "The King! the King!" were heard. The House was in a state of confusion, and Lord Mansfield attacked Ministers for "conspiring against the safety of the State and making the sovereign the instrument of his own destruction." A scene equally extraordinary was proceeding in the Commons, where Sir Robert Peel, Lord Althorp, Sir F. Burdett, and others were vainly endeavouring to obtain a hearing. Black Rod appeared in the midst of the uproar, and members were summoned to the Upper House. The agitation in the Lords had somewhat subsided, when the King announced the prorogation of Parliament with a view to its immediate dissolution. The exciting scene, which had not been paralleled since the time of Cromwell, then ended. Parliament was dissolved by proclamation on the following day, and the new writs were made returnable on June 14th.

Second Reform Bill.

The new House of Commons contained a great majority of reformers. The second Reform Bill was introduced on June 24th; but the second reading was put off till July 4th, in order that the Scotch and Irish Reform Bills might be brought in. Three nights were given to the debate on the second reading, and the division resulted in a majority of 136 for Ministers—Ayes, 367; Noes, 231. The discussions in committee were most protracted, the opponents of the bill hoping to wear out the patience of its supporters. The discussions frequently went on until some hours after sunrise. At one of the August sittings the Marquis of Chandos carried a clause, by a majority of 84, conferring the county franchise on £50 tenants-at-will. The newspapers protested against the obstructive proceedings of the minority; the people demonstrated in the same sense; and the political unions of Birmingham, Manchester, and Glasgow held a conference to determine how much longer they would wait. It was not until September 21st that the division was taken on the question, "That this bill do pass," when

CHAP. II. William IV. and Parliamentary Reform.

the measure was carried by 345 to 236. The question now arose, "What will the Lords do?" Lord Althorp, accompanied by a hundred other commoners, carried the bill up to the peers. The second reading was debated for five nights, with much skill and eloquence on both sides. In earnest language, Lord Grey warned their lordships, and especially the prelates, not to reject the bill. Yet one prelate only—the Bishop of Norwich—voted in favour of the measure. Twenty-one voted against the bill, and these were just sufficient to turn the scale, as the bill was thrown out by a majority of 41—Ayes, 158; Noes, 199. So exasperated were the people that for some time after this it was not safe for a bishop to appear in the streets in ecclesiastical dress. The infatuated action of the episcopal bench did great harm to the Church. Popular riots ensued at Derby, Bristol, and elsewhere, with great destruction of property, and Nottingham Castle was burnt down. The times were grave, and a Government proclamation was issued on November 22nd with the object of suppressing the political unions. Lord Grey had remained in office after the rejection of the bill by the peers, as the House of Commons immediately passed a vote of confidence in Ministers by 329 to 198.

Rejected in the Lords.

Popular excitement.

Third Reform Bill.

When Parliament again assembled on December 6th, the eyes of the whole nation were turned towards Westminster. The popular solicitude was aggravated by the ravages of the cholera, and by the prevalent distress. On the 12th Lord John Russell introduced the third Reform Bill. The second reading was carried by 324 to 162, the majority for Government being thus exactly the same number as the opponents of the bill—162. The division was taken on the morning of Sunday, the 18th. Parliament then adjourned for the Christmas recess. On resuming in January, the Commons went into committee on the 20th. The debates were prolonged until the middle of March. On the 19th of that month the order for the third reading of the bill was taken, when its rejection was moved by Lord Mahon. The division gave—for the bill, 355; against, 239. In moving "That the bill

do pass," Lord John Russell said that the "loss of this measure would precipitate a collision between the opponents of all reform and the advocates of universal suffrage. Bloodshed must result, and he was perfectly persuaded that the British constitution would perish in the conflict." When the bill went to the Lords, there were signs of wavering on the part of many peers who had hitherto opposed it. After a debate of several nights, the second reading was carried on April 14th by a majority of nine—184 to 175. Protests were signed by 77 peers. The prelates saved the bill this time. The Archbishop of York and the Bishops of London, St. David's, Worcester, and Chester, all of whom had been absent before, now voted for the bill; while the Bishop of Peterborough, who had previously opposed it, now absented himself. But all danger was not yet over, and during the recess immense meetings were held at Birmingham, Edinburgh, and other places in support of the bill. The petition of the National Union stated that if the bill were rejected or impaired the payment of taxes would cease, other obligations would be disregarded, and the ultimate consequence might be the complete extinction of the privileged orders.

The Bill in the Lords.

When the bill got into committee, Lord Lyndhurst moved an amendment to postpone the consideration of the disfranchising clauses until the enfranchising clauses had been considered. Although Lord Grey stated that the success of this amendment would be regarded as fatal to the measure, it was carried against Ministers by 151 to 116. Lord Grey now applied to the King to create new peers to carry the bill, but, as he refused, Ministers tendered their resignations. The Commons again stepped into the breach. On the motion of Lord Ebrington, they carried, by 288 to 208 votes, an address expressing unabated confidence in the late Ministers, and imploring his Majesty "to call to his councils such persons only as will carry into effect, unimpaired in all its essential provisions, the bill for reforming the representation of the people which has recently passed this House." The King, however, resorted to the Duke of

Hostile amendment.

CHAP. II. William IV. and Parliamentary Reform.

Wellington for advice, but the Duke failed to form a Ministry. Lord Grey and his colleagues returned to office, and again proposed to his Majesty to create new peers if necessary. The King consented, and made known his resolve to the Opposition peers. A final letter from the King, appealing to the peers to cease all further opposition to the bill, proved effective. On June 4th the measure passed the Lords by 106 to 22. Reform bills were also passed for Scotland and Ireland, and a great question was thus temporarily set at rest. Lord Farnborough has observed with regard to the passing of the Reform Bill that, "in singular contrast to the history of past times, this greatest extension of the liberties of the people was obtained in the last resort by the personal influence of the Crown."

The King and the Peers.

The Bill carried.

Provisions of the Reform Act.

The Reform Act of 1832 practically placed the government in the hands of the middle classes, of whom it admitted some half-million to the franchise. The act disfranchised 56 nomination boroughs returning 111 members, took away one member from 30 others having less than 4,000 inhabitants each, while the united boroughs of Weymouth and Melcombe Regis were henceforth to send two members instead of four, thus leaving vacant 143 seats. In distributing these, 65 additional members were given to the counties, two each to Manchester, Leeds, Birmingham, and 19 other large towns, with a population of 25,000 and upwards—including metropolitan districts—and 21 towns, with a population of 12,000 and upwards, were granted one member each. The remaining 18 seats were struck out of the representation of England to provide five additional seats for Wales and 13 for Scotland and Ireland. In the English and Welsh counties copyholders and leaseholders for years were added as voters to the forty-shilling freeholders, and tenants-at-will paying £50 a year were enfranchised under the Chandos clause. A £10 household franchise was established in the towns, and the rights of freemen to vote were restricted. The Scotch Reform Act increased the number of members for the northern kingdom from

45 to 53, of whom 30 were to sit for counties and 23 for cities and burghs. The county franchise was given to all holders of property worth £10 a year, and to certain classes of leaseholders; the burgh franchise was given to all £10 householders. The Irish Reform Act increased the number of members for Ireland from 100 to 105. The right of election was taken away from the corporations and vested in £10 householders, and considerable additions were made to the county constituency. Frequent complaints subsequently arose, however, with regard to the restricted nature of the Irish franchise; and at length the Irish Parliamentary Voters Act, passed in 1850, reduced the county franchise to £12 and the borough franchise to £8. The immediate effect of the Reform Act was naturally in favour of the progressive party which had carried it. When the first reformed Parliament was elected after the passing of the measure, the Ministerial party were found to be in a great majority. The numbers were—Liberals, etc., 486; Conservatives, 172.

The Regency Act.

Dealing now with the general legislation of William IV.'s reign, the Regency Act rendered necessary on the King's accession demands attention. His Majesty was without issue, and yet in making provision for the devolution of the crown the possibility of a posthumous heir must be considered. Accordingly, when the new Parliament met after the King's accession, a Regency Bill was introduced by which the Duchess of Kent was appointed sole regent until the Princess Victoria should attain the age of eighteen. In the case of the birth of a posthumous child of the King, the Queen was to be regent during the minority. These provisions were accepted by statesmen and lawyers of all parties, and the bill, which had been prepared by the Wellington Government, was passed under the auspices of Earl Grey.

Irish affairs.

Irish affairs caused disquietude throughout the whole reign, and efforts were made to pacify the people by legislation. In the session of 1831 £30,000 was voted

CHAP. II. William IV. and Parliamentary Reform.

towards the support of undenominational national schools in Ireland. But during the same year Mr. O'Connell, now known as the "Liberator," began to agitate for the repeal of the Union. He was obliged to plead guilty to a charge of holding illegal meetings, but he was not punished, and Ministers were severely questioned on the matter in the House of Commons. However, Mr. Stanley, Secretary for Ireland, denied that the Government had made terms with him. The collection of tithes in Ireland was rendered extremely difficult, and in many places absolutely impossible, owing to the frequent outrages which were perpetrated. Tithe-proctors were murdered, and constant collisions occurred between the police and the peasantry. To meet the distress of the clergy, an act was passed on June 1st, 1832, authorising the Lord-Lieutenant to advance £60,000 to those of the Irish clergy who could prove themselves unable to collect their tithes for the year 1831. The Government undertook to levy the arrears for that year, but although the executive proceeded at the point of the bayonet, Ministers were obliged to confess in Parliament that out of a total sum of £104,285 due, only £12,000 had been recovered, and that not without loss of life. Consequently in 1833 an act was passed dealing with the subject of the Irish tithes, providing for the collection of the arrears and giving the clergy £1,000,000 on loan in compensation for arrears. As predicted, this loan was in the end surrendered as a free gift. During the same session a Coercion Act for Ireland was passed, giving special powers to prevent disturbances. It was stated by Lord Grey that in the year 1832 upwards of 9,000 crimes were committed, all connected with, and growing out of, the disturbed state of the country. On March 11th, 1833, the Government brought forward the Church Temporalities (Ireland) Bill in the House of Commons. This sweeping measure suppressed two archbishoprics and eight bishoprics; reduced the incomes of others; abolished sinecures, Church cess, and first-fruits; made provision for the improvement of Church lands and the

O'Connell and Repeal.

Tithes.

Coercion Act.

Irish Church reform.

augmentation of small livings ; and appointed a commission to administer surplus revenues. A clause providing that any surplus beyond that allotted to church-building, etc., should be applied to such purposes as Parliament might direct, was abandoned by Ministers as involving the debated principle of appropriation. The bill passed both Houses and became law, but much was yet to be heard as to the alienation of the Church revenues. Vigorous protests against the measure were made by alarmed peers, the Duke of Cumberland asserting that it was a violation of the coronation oath.

Mr. Ward's motion.

The Irish Church was again attacked in the following year. On May 27th, 1834, Mr. Ward, in an able speech, moved a resolution to the effect that the Church establishment in Ireland exceeded the spiritual wants of the Protestant population ; and that, it being the right of the State to regulate the distribution of Church property, the temporal possessions of the Church in Ireland ought to be reduced. This resolution caused great embarrassment to Ministers, who were known to be divided on the question. Mr. Stanley, Sir J. Graham, the Duke of Richmond, and Lord Ripon resigned their offices, and were succeeded by Spring Rice, Carlisle, Auckland, and Conyngham. Matters were further complicated by a declaration of the King to the Irish bishops, made with tears running down the royal cheeks, that he would never desert the Church. On June 2nd Lord Althorp, speaking on behalf of the Government, met Mr. Ward's motion by announcing the appointment of a special commission of laymen to inquire into the revenues and duties of the Church and the general state of religious instruction in Ireland. The previous question was moved, and Mr. Ward's motion was lost by 396 to 120. As a substitute for tithes, Ministers introduced a bill imposing an Irish land tax, payable to the Government by the landlords and subject to redemption. Mr. O'Connell vehemently, but unsuccessfully, opposed this proposal, on the ground that it would perpetuate the old impost under another name. However, in committee he carried

Secession of Ministers.

Irish Land Tax.

CHAP. II. William IV. and Parliamentary Reform.

an amendment, by 82 votes to 33, that the tithes should be made payable immediately from the landlords to the clergy after being reduced 40 per cent. The bill was taken to the Lords, where it was rejected on the second reading by a majority of 67 out of 311 votes. The measure was supported by the Bishops of Derry, Chichester, and Norwich, but opposed by the Archbishops of Canterbury and Cashel and nineteen bishops.

Dissolution of the Ministry.

The proposed renewal of the Coercion Act for Ireland led to the downfall of Lord Grey. It was understood that, besides omitting the martial law clause, the Government intended to leave out that portion relating to public meetings which had so exasperated Mr. O'Connell and his friends. When the measure was brought forward, however, it was found to include the clauses against political meetings. Mr. Littleton, the Irish Secretary, resigned, but his resignation was declined, as there would have been great difficulty in filling up the vacancy, the Ministry having now become unpopular. But Lord Althorp also opposed the passing of the Coercion Bill entire, and when he resigned the Premier lost his most valuable colleague. On July 8th Lord Grey himself tendered his resignation to the King. He felt that it was hopeless to proceed with the Coercion Bill. The veteran statesman took leave of power on the 9th. There was a painful passage of arms between the ex-Premier and the Duke of Wellington, which must have reminded the former of his own attack upon Canning. On the whole, however, the political career of Lord Grey had few blemishes, his nepotism being the most conspicuous; while he was justly esteemed in private life for his integrity and his high sense of honour.

Melbourne becomes Premier.

Lord Melbourne became Prime Minister, with the previous Cabinet, in which Lord Althorp resumed his old post of Chancellor of the Exchequer. The Irish Coercion Act was renewed, but in a modified form. Lord Althorp having become Lord Spencer by the death of his father, the King took the opportunity of suddenly dismissing Lord Melbourne and his colleagues. There

He is suddenly dismissed.

seemed to be no sufficient reason for this extraordinary step, for although Ministers were gradually losing ground with the country, they had no special difference with his Majesty, nor had they been condemned in Parliament. Sir Robert Peel was designated as the next Premier; but, as he was abroad, the Duke of Wellington acted for him in his absence. On his return in December, Sir Robert formed an administration, with himself as First Lord of the Treasury and Chancellor of the Exchequer, Lyndhurst as Chancellor, Wellington as Foreign Secretary, Aberdeen War and Colonial Secretary, Mr. Goulburn Home Secretary, Mr. Herries Secretary-at-War, and Sir H. Hardinge Irish Secretary. Lords Wharncliffe, de Grey, Ashburton, and Haddington were also included in the Ministry. Mr. Sidney Herbert and Mr. W. M. Praed, the poet, were Secretaries to the Board of Control, and Mr. William Ewart Gladstone entered upon official life as Junior Lord of the Treasury, an office which he soon exchanged for that of Under-Secretary for the Colonies. Mr. Gladstone was the son of Sir John Gladstone, a Liverpool merchant. He was born in 1809 and educated at Eton and at Christ Church, Oxford, where he took a double first and a senior studentship. In 1832 he entered Parliament as member for Newark in the Tory interest.

Peel takes office.

Mr. Gladstone.

Parliament was dissolved in December, 1834, and when the new House of Commons met in February, 1835, it was found that the Conservatives had gained strength. The majority against them was still great, however, the Liberals numbering 380 and the Conservatives 273, and the Opposition had been thoroughly united by the King's abrupt dismissal of Lord Melbourne. The new Government was defeated upon the election of Speaker, and again on the Address, when the recent dissolution was condemned as unnecessary. Sir Robert Peel made an unsuccessful attempt to pass a measure for the commutation of tithes, and then found himself opposed by his enemies on the appropriation question. In April Lord John Russell brought forward resolutions affirming

New Parliament.

CHAP. II. William IV. and Parliamentary Reform.

that any surplus revenues of the Church of Ireland not required for the spiritual care of its members should be applied to the moral and religious education of all classes of the people, and that no measure on the subject of tithes would be satisfactory which did not embody that principle. On April 2nd a committee was obtained by a majority of 33; on the 6th the first resolution was carried in committee by a majority of 25; and on the 7th the second resolution was affirmed on the report by a majority of 27—285 votes to 258. As Ministers were strongly opposed to the principle of appropriation, they resigned. During this brief term of office, Sir Robert Peel had shown the highest qualities as a political leader.

Ministers defeated.

Melbourne returns to office.

Lord Melbourne again became Prime Minister, with Mr. Spring Rice as Chancellor of the Exchequer, Lord John Russell Home Secretary, Lord Palmerston Foreign Secretary, Lord Glenelg War and Colonial Secretary, Lord Howick Secretary-at-War, Lord Mulgrave Lord Lieutenant of Ireland, and Lord Morpeth Chief Secretary for Ireland.

Struggle on the Tithe question.

A prolonged struggle ensued between the new Government and the Opposition on the old question of the Irish tithes, and the principle of appropriation to which the Whigs were pledged. On June 26th, 1835, Lord Morpeth introduced the Ministerial measure on Irish tithes, which embodied the appropriation clauses authorising the surplus to be employed in the religious and moral instruction of all classes of the community. The bill passed its second reading by 319 to 282; and in committee Ministers added a clause providing for the advance of £50,000 from the Consolidated Fund, in anticipation of the surplus to accrue, for purposes of general education in Ireland. In the Lords the bill weathered its second reading, but all the appropriation clauses were struck out in committee by 138 votes to 41. The measure was accordingly abandoned, and this vexed question stood over for another year. In April, 1836, the measure was again brought forward. It passed the Commons, but the appro-

priation clause was struck out in the Lords by 138 to 47. Lord John Russell complained of the Upper House for altering a money bill, and the Commons rejected the scheme. Yet again was the measure introduced in 1837, but it was dropped owing to the dissolution which succeeded the King's death. In 1835 Lord Melbourne's Government likewise brought in a Municipal Bill for Ireland. It proposed to reconstitute Irish corporations upon the same principles as those already applied to other parts of the United Kingdom. It passed the Commons, but was dropped in the Lords. Reintroduced the following year, it met with considerable opposition. Sir Robert Peel and his friends consented to the abolition of the old corporations, but declined to establish new municipal bodies in their place. They proposed to vest local authority in officers appointed by the Crown. The Commons rejected these suggestions, and carried the bill by a majority of 61. The Lords effected the changes, however, whereupon the Commons refused to endorse them, and the bill was lost. The measure was again brought forward in the session of 1837, but failed to pass through the action of the Lords.

Irish Municipal Bill.

Lord Grey's Government grappled successfully with the poor laws in the Poor Law Amendment Act passed in 1834. The poor rates had reached the sum of £8,600,000, and in many places were equal to, if not greater than, the annual rent of the land itself. The new act appointed commissioners for the better administration of the laws. The law of settlement was repealed, and parishes were united into unions, each union being placed under a board of guardians elected annually by the ratepayers. The act created 585 unions, including 13,964 parishes, in England and Wales. In addition to these, there were 21 unions formed under local acts, 12 under Gilbert's Act, and the 89 parishes of the Scilly Isles were also included in a union. These, with 37 single parishes, made up the whole number of 14,610 parishes. Each union had a clerk, an auditor, a chaplain, a medical officer, relieving officers, a master and matron, schoolmaster and school-

The Poor Laws amended.

CHAP. II. William IV. and Parliamentary Reform.

mistress. Relief was now to be confined to destitution, the workhouse test was instituted to detect imposture, and outdoor relief to the able-bodied was forbidden. The act, which was initiated by Lord John Russell and Lord Althorp, had the effect of reducing parochial expenditure, diminishing crime, and encouraging thrift, though its full influence was not felt until after the abolition of the Corn Laws.

Municipal Corporations Act.

Municipal reform, a natural corollary to Parliamentary reform, was dealt with in 1835. For centuries there had been a gradual encroachment upon popular rights by those who assumed the municipal authority in towns. The suffrages of burgesses and freemen were thrust aside, and the practice of self-election substituted. In the eighteenth century corporations were little more than close governing bodies, and the inhabitants of the towns had no effective share in the management of their own affairs. By the Reform Act of 1832 the exclusive electoral privileges of the corporations were taken away and given to the people, and now the municipalities were to be reformed in other directions. A commission of inquiry was first appointed, which exposed the prevalent abuses, and this step was followed by the introduction of Lord John Russell's Municipal Corporations Bill in 1835. This measure proposed to vest the municipal franchise in rated inhabitants who had paid poor rates for three years. These were to elect the mayor and common council. The municipal franchise of the freemen was superseded, and no new freemen were to be created. Exclusive trading rights were to be discontinued, and extended powers were given to the new councils over the police, local government, and the administration of justice. Provision was made for publishing the proceedings of the councils, and for the proper administration of their funds and the publication and audit of their accounts. The ancient corporation of London was exempted from the operation of the act. The measure passed the Commons almost as drawn, but in the Lords some important amendments were incorporated. As the

result of a compromise with the Commons, the Parliamentary franchise and the pecuniary rights of the freemen were more fully safeguarded, a qualification for councillors was inserted, aldermen were to be elected for six years, and the exclusive eligibility of existing aldermen was surrendered. The qualification to vote was afterwards reduced to one year's payment of rates. This act, establishing local self-government, has had many beneficial results, not the least of which is the stimulus it has given to the growth of political freedom in the towns.

Abolition of Slavery.

A noble act was enrolled upon the statute book in 1833. In May of that year Mr. Stanley, in a speech of remarkable eloquence, introduced the Government bill for the abolition of colonial slavery. By this measure all children under six years of age, or who should be born after August 1st, 1834, were declared free; all registered slaves over six years became from the same date apprenticed labourers, with weekly pay, either in money or by board and lodging, possessing at the same time all the rights and immunities of free men. With regard to compensation to owners, Ministers originally proposed to advance a loan of £15,000,000 to the West Indian proprietors, but the idea of a loan was abandoned, and a gift substituted, the sum of £20,000,000 being finally voted as compensation to the slave-owners. By this humane measure the self-denying labours of Wilberforce, Clarkson, and others were brought to a happy consummation.

The East India Charter.

Many miscellaneous acts of importance were passed during the reign. In 1833 the charter of the East India Company was renewed for twenty years from April 30th, 1834, under certain restrictions. The company now became a political body. Its monopoly of the China trade was taken away, and its commercial property sold, but its dominion over India was confirmed for twenty years. So great was the pressure of legislation this year (1833) that the Commons adopted morning sittings for the despatch of business. An act was passed enabling Quakers, Moravians, and Separatists, on entering Parliament, to substitute an affirmation for an oath. The

Morning sittings.

Affirmation Act.

CHAP. II.
William IV. and Parliamentary Reform.

charter of the Bank of England was renewed by the Bank Charter Act of 1833. The act provided that notes of the Bank of England were to be made legal tender, so that country banks would be enabled to meet a panic with notes instead of gold. One-fourth of the debt due from the public to the Bank was to be immediately paid; and, in consideration of its new privileges, the Bank was to deduct £120,000 per annum from its charge for the business of conducting the National Debt affairs. Paper issued and specie kept in hand were henceforth to bear to each other the ratio of three to one, and the Bank was compelled to publish a general statement of its condition quarterly. Lord Ashley (afterwards Earl of Shaftesbury) and his coadjutors witnessed the partial success of their philanthropic labours in 1833 by the passing of a Factory Act for the protection of women and children. The employment of children under nine years of age in factories was prohibited; the labour of those of both sexes and of all women was subjected to regulation; an inspection of factories was instituted; and provision was made for the education of factory children. An act was passed making a grant of £20,000 for educational purposes. This grant was continued annually up to 1839, when it was increased, and the Committee of the Privy Council on Education formed. The grant was dispensed to the National Society and to the British and Foreign School Society by the Treasury. In 1834 an act was passed establishing the Central Criminal Court. The jurisdiction of the Old Bailey court was greatly extended, not only in Middlesex, but in parts of Surrey, Kent, and Essex. To the Middlesex Sessions at Clerkenwell was left the trial of offences punishable with not more than seven years' transportation. During the same session the house tax was repealed, sinecure offices in the House of Commons were abolished, and facilities were afforded by the Post Office for the transmission of foreign newspapers. An act improving the patent law was carried by Lord Brougham in 1835. Amongst other things, it provided for the extension of the term of a patent from fourteen to

Bank Charter Act.

Factory Act of 1833.

Education grant.

Central Criminal Court Act.

House tax abolished, etc.

The Patent Law.

BURNING OF THE OLD HOUSES OF PARLIAMENT.

twenty-one years. The year 1836 witnessed the introduction of a number of varied reforms. First, the newspaper stamp duty was reduced to one penny. Lord John Russell carried two measures for the relief of Dissenters. The Dissenters' Marriage Act permitted the solemnisation of marriages in Nonconformist chapels. The act for the registration of births, marriages, and deaths established a record of births and deaths that was wholly civil; the record of marriages was ordered to be made by the minister performing the ceremony and transmitted to the registrar, while those who objected to a religious ceremony could enter into a civil contract before the superintendent registrar. A general register office was provided for London, and the country was divided into registration districts. An act for tithe commutation in England provided for the final extinction within two years of the vexatious right of exacting tithes in kind, and for commuting them into a corn-rent charge payable in money. The average price of corn for the preceding seven years was to be taken; and the great tithes were to be levied on corn and grass, the small tithes on other produce. Commissioners were appointed to carry out the commutation. After the appointment of various commissions of inquiry into the condition of the Church of England, the Ecclesiastical Commissioners were incorporated in 1836, and various schemes of reform drawn up by them were sanctioned by Parliament. The incomes of the prelates were reduced to the following amounts under an act for effecting a new distribution of episcopal dioceses and incomes:—The Archbishop of Canterbury, £15,000; Archbishop of York, £10,000; Bishop of London, £10,000; Winchester, £9,000; Durham, £8,000; Ely, £5,500; St. Asaph and Bangor, £5,200; Worcester, £5,000; other bishops being apportioned incomes from £4,000 to £5,000. The bishoprics of Gloucester and Bristol were united, and new sees were created successively under the act at Ripon and Manchester. Cathedral and collegiate establishments were reduced, and their revenues appropriated to the

Newspaper duty. Dissenters' marriages, etc.

Tithe Commutation Act.

Church reforms.

CHAP. II.

William IV. and Parliamentary Reform.

relief of spiritual destitution. The surplus Church funds accruing from the various reforms effected were subsequently applied to the augmentation of small livings, and other purposes intended to increase the usefulness and efficiency of the Church.

Parliament Houses destroyed. Police.

The establishment of an efficient system of police in Great Britain began with Sir Robert Peel's Act of 1829, constituting the Metropolitan Police. The old system of watchmen was abolished. Counties and boroughs followed suit, and in 1835 the new plan was perfected. The City of London retains control over its own police. Acts organising or regulating the police forces throughout the kingdom were passed at various intervals from 1829 to 1888. Ireland has two police forces—the Dublin Metropolitan Police and the Royal Irish Constabulary.

Death of William IV.

By an untoward accident the Houses of Parliament were destroyed by fire on October 16th, 1834. It appears that the conflagration was caused by the burning of the exchequer-tallies in a building adjoining the House of Lords. As the fire spread, grave fears were entertained for Westminster Hall and Westminster Abbey, but these venerable and magnificent structures were happily preserved. The two Houses of Parliament were, however, destroyed. Many valuable documents were burnt, including the original death-warrant of Charles I.; but the vast bulk of the State papers and the valuable libraries were saved. Temporary buildings were erected on the old site, and the erection of the present imposing Houses was begun from designs by Mr. (afterwards Sir Charles) Barry. The Lords occupied their new chamber in 1847, and the Commons theirs in the session of 1852.

William IV., the third son of George III., died on June 20th, 1837. He was not in any sense a remarkable sovereign, and he had much of the hereditary stubbornness of his race; nevertheless, he had also a natural affability of character, and, as Sir Robert Peel said in pronouncing his eulogium, he was compassionate for the sufferings of others, and was utterly free from all selfishness.

QUEEN VICTORIA IN HER CORONATION ROBES.

CHAPTER III.

LEGISLATION UNDER QUEEN VICTORIA.

Accession of Victoria.

The Princess Victoria succeeded to the throne amid general acclamations. She had been well trained by her mother, the Duchess of Kent, and early manifested those domestic and public virtues which have endeared her to the hearts of her people, and given her an illustrious and honourable place among British sovereigns. Upon the accession of her Majesty, the crowns of England and Hanover were divided. Hanover being under the operation of the Salic law, which forbade the female succession, the Hanoverian crown fell to the late King's younger brother, the Duke of Cumberland.

The Ministry.

The young Queen continued Lord Melbourne and his colleagues in office. Parliament was dissolved in July, and at the ensuing elections Ministers secured a sufficient majority, though it was not one indicating any pronounced return of confidence in the Government. When the new House of Commons assembled in November, 1837, it was composed of 348 Liberals and 310 Conservatives.

The Civil List.

The Queen's Civil List was settled on the same principles as that of her predecessor, and amounted to £385,000. But there was one variation, for, in lieu of the pension list of £75,000, her Majesty was empowered to grant pensions annually to the extent of £1,200, and these pensions were only to be granted to such persons

CHAP. III. Legislation under Queen Victoria.

as had just claims on the royal beneficence, or who by their personal services to the Crown, by the performance of duties to the public, or by their useful discoveries in science or attainments in literature and the arts, had merited the gracious consideration of their sovereign and the gratitude of their country. This new arrangement of the pension list was in accordance with a resolution carried by the House of Commons on February 18th, 1834. Two Regency Acts were passed after her Majesty's accession. The first enacted that, in the event of the Queen's decease while her successor (the Duke of Cumberland) was out of the realm, the administration of the government should be carried on in his name by lords-justices until his arrival. The second act, passed after the Queen's marriage in 1840 to Prince Albert of Saxe-Coburg Gotha, provided that, in the event of any child of her Majesty succeeding to the throne before the age of eighteen, the surviving parent should be regent, without any council of regency or any limitation upon the exercise of the royal prerogative, except an incapacity to assent to any bill for altering the succession to the throne, or for affecting the uniformity of worship in the Church of England or the rights of the Church of Scotland. The Melbourne Government acted injudiciously over the Annuity Bill for Prince Albert. Lord John Russell proposed a grant of £50,000 to the Prince for life, to commence on the day of his marriage, February 10th, 1840. The fearful distress prevalent among the manufacturing classes, which found expression in armed outbreaks of Chartism as well as in a rapidly falling revenue and continuous deficits, made it clear that such a large grant would be opposed. Accordingly, by a majority of 104, in a House of 420 members, Parliament fixed the grant at £30,000. In a fit of anger, Lord John Russell declared that the amendment was intended as a mark of disrespect to the Queen. This was an unfortunate remark to come from one of the most constitutional of statesmen, and he was rebuked for it by Sir J. Graham and Sir Robert Peel. The House of

Regency Acts.

The Prince Consort's Annuity.

Commons also rejected a proposal to give the Prince precedence over all the royal family by an act of Parliament, while it at the same time elicited a formal declaration of the Prince's Protestantism, which Ministers had not provided for. Precedence at court was given to the Prince by the Queen's prerogative only. The Prince Consort came to England a stranger, but by his urbane manners, the support which he gave to the Queen in times of national solicitude, and his desire to act in accordance with the principles of the Constitution, he secured the affection and esteem of all classes.

The Precedence question.

Legislation has been so prolific during the reign of Queen Victoria that order and convenience alike demand a separate treatment for great questions. The late Lord St. Leonards once stated that from the date of John's Great Charter to 1853 Parliament had passed 16,422 public statutes ; and from the latter year the annual rate of production greatly increased. I propose therefore to adopt a sectional treatment of the Victorian legislation, giving a complete and consecutive record of the measures passed under each section. I shall endeavour to include in this survey every public act of importance, but the contemporary character of the legislation and the general accessibility of full records of the transactions in Parliament will absolve me from the necessity of dealing with the debates at length.

Victorian legislation.

I. Repeal of the Corn Laws.

Periodical motions on the subject of the Corn Laws made during the reigns of George III. and George IV. have already been recorded. The question was further agitated in William IV.'s reign, notwithstanding the urgency of Parliamentary reform and questions concerning Ireland. In the House of Commons on May 17th, 1833, Mr. Whitmore moved that the Corn Laws, instead of producing equality of prices and thereby effecting a permanent good, had produced a contrary effect and tended injuriously to cramp trade. Ministers pleaded that the time was inopportune for dealing with the question, and

Motions on the Corn Laws.

CHAP. III. Legislation under Queen Victoria.

the motion was rejected by 305 to 206. In the Lords a similar motion by Lord Fitzwilliam was negatived without a division. During the same session Mr. Fryer's bill for the repeal of the Corn Laws was rejected in the Commons by 73 to 47. In the session of 1834 Mr. Hume moved for a committee to consider the Corn Laws, but was defeated by 313 to 155 votes. Mr. Poulett Thomson, President of the Board of Trade, prophetically said during the debate that a failure in the harvest, or any other national disaster, would lead to a demand for repeal couched in such language as he should not wish to hear addressed to that House. In consequence of excellent harvests, however, the question now slumbered for a year or two, but in 1837 the rise in corn, combined with numerous financial failures, again brought it to the front. Messrs. Grote, Hume, Molesworth, Roebuck, and others formed an association for the repeal of the Corn Laws; and in the House of Commons Mr. Clay unsuccessfully moved for the adoption of a fixed duty of 10*s.*, to be reduced to 5*s.* in 1839. The resolution was lost by 223 to 89. In March, 1838, Mr. C. P. Villiers, the earnest and consistent Free Trader, moved for a committee to consider the Corn Laws, but was defeated by 300 to 95. In the ensuing September the Anti-Corn Law League was formed. Mr. Cobden threw his whole energies into the movement, and his earnestness, combined with Mr. Bright's vigorous eloquence, soon made a powerful impression upon the country. Hitherto the advocates of Free Trade had suffered from the hostility of Parliament, the opposition of leading statesmen of both parties, landlords, and farmers, and the indifference of merchants, manufacturers, and traders; but now, aided by bad seasons and other causes, the Free Trade propaganda began to make great headway. Lectures and controversial literature, sown broadcast everywhere, were supplemented by monster petitions to Parliament.

Corn Law Reveal Association.

The Anti-Corn Law League.

Motion by Mr. Villiers.

In February, 1839, Mr. Villiers moved to hear counsel at the bar of the House of Commons in support of a petition against the Corn Laws, but was defeated by 361

to 172 votes. He then moved for a committee of inquiry, but his motion was rejected by 342 to 195. Lord Fitzwilliam introduced resolutions in the Upper House condemnatory of the Corn Laws, but they were rejected by 224 to 24 votes. In this small minority were Lords Brougham, Minto, Durham, Holland, and Hatherton By way of illustrating the rashness and fallibility of the Premier, Lord Melbourne, we may cite his strange declaration made in the course of this debate. "To leave," he said, "the whole agricultural interest without protection, I declare before God that I think it the wildest and maddest scheme that has ever entered into the imagination of man to conceive." Mr. Villiers was again defeated in the Commons in 1840 by 300 to 177 votes, and Lord Fitzwilliam in the Lords by 194 to 42.

Lord Melbourne's declaration.

Ministers proposed a fixed duty of 8*s.* in 1841, but no measure was brought in, owing to a Ministerial crisis. On May 27th Sir Robert Peel carried a vote of want of confidence against the Whig Government by a majority of one—312 to 311. Upon this Lord John Russell said Ministers intended to appeal to the country, and Parliament was at once dissolved. The Conservatives triumphed at the elections, returning 367 members, against 286 Liberals. Mr. Cobden was elected for Stockport, and two years later Mr. Bright was returned for Durham. The new Parliament met in August, 1841, and Ministers were defeated in both Houses by large majorities—in the Lords by 168 to 96 and in the Commons by 360 to 269. Lord Melbourne resigned office, and Sir Robert Peel became Prime Minister. He was joined by Lord Ripon, Lord Stanley, and Sir J. Graham, the seceders from Lord Grey's Ministry, and his Government likewise included Lords Lyndhurst, Aberdeen, Ripon, and Eliot. Mr. Gladstone was Vice-President of the Board of Trade, but in 1842 he succeeded Lord Ripon as President.

Peel takes office.

In the session of 1842 Sir R. Peel carried his sliding scale of corn duties, which fixed a 20*s.* duty at 51*s.*, decreasing to 12*s.* at 60*s.* and 1*s.* at 73*s.*, the duty not

Sliding scale of duties.

CHAP. III. Legislation under Queen Victoria.

to exceed 20*s.* when the price fell below 21*s.* Amendments in favour of a fixed duty, proposed by Lords Russell and Melbourne, were rejected by 349 to 226 in the Commons and 207 to 71 in the Lords. The advocates of total repeal fared very badly, as the amendment in favour of abolition proposed by Mr. Villiers was defeated by 393 to 90, while Lord Brougham's amendment in the Lords for repeal only secured 5 votes to 109. The Protectionists in the Lords endeavoured to defeat the Sliding Scale Bill, but the second reading was carried by 119 to 17. Motions brought forward in 1843 by Lords Russell and Monteagle to inquire into the effects of Peel's sliding scale were rejected by 244 to 145 in the Commons and 200 to 78 in the Lords. During the same session Mr. Villiers's motion for total repeal was defeated by 381 to 125, but in the minority were prominent Whigs like Lord Howick, Mr. Edward Ellice, Sir George Grey, and Mr. Macaulay. On March 12th, 1844, Mr. Cobden moved for a committee to inquire into the effects of protective duties on agricultural tenants and labourers, but he was defeated by 224 to 133. In the ensuing June Mr. Villiers brought forward his annual motion by a series of resolutions, which were rejected by 328 to 124. During the debate Mr. Bright predicted that whenever bad harvests again occurred Sir Robert Peel would either abolish the Corn Laws, or his Government would be overthrown. In March, 1845, Mr. Cobden assured the House of Commons that if they would grant him a committee he would explode the delusion of agricultural protection; but, as the country gentlemen did not want the theory exploded, they refused him a committee by 213 to 121. On June 10th Mr. Villiers introduced for the last time his motion for total repeal. He called upon the Government to indemnify the landlords in any way they pleased, except that of making the food of the people dear. Lord John Russell said the Corn Law as it now stood was vicious in principle, and could not long be maintained in its present position. Ministers said they must proceed gradually with legislation

Mr. Villiers's efforts.

QUEEN VICTORIA'S FIRST COUNCIL.

on this subject, and the motion was defeated by 254 to 122.

Ministerial crisis.

The potato disease in Ireland in the autumn of 1845 alarmed the Ministry, and convinced the Premier that something must be done in the direction of Free Trade. Following upon this came Lord John Russell's manifesto to the electors of the City of London declaring for the abolition of the Corn Laws. In December Sir Robert Peel proposed to his colleagues to repeal the obnoxious laws, but meeting with opposition, especially on the part of Lord Stanley and the Duke of Buccleuch, he resigned office. The Queen sent for Lord John Russell, but he was unable to form an administration, and on December 20th Sir R. Peel returned to office, the only change in the Cabinet being the substitution of Mr. Gladstone for Lord Stanley as Secretary of State for the Colonies. Three days later the Anti-Corn Law League held an important meeting at Manchester, when it was decided to raise the sum of £250,000 to continue the agitation.

Repeal of the Corn Laws.

Parliament met in January, 1846, and on the 27th Sir Robert Peel introduced the Government measure for the repeal of the Corn Laws in a speech which occupied three hours and a half. The Premier admitted that his opinions on the question of the Corn Laws had undergone a complete change, but honour and a sense of public duty forbade his retirement from office at this juncture. He then explained the details of his measure. The duty on corn was to be at once greatly reduced, 10*s.* duty being fixed when the price was under 48*s.*, decreasing by 1*s.* for every 1*s.* increase up to 53*s.*, to remain at 4*s.* when the price was 53*s.* and upwards. The duty was to cease altogether on February 1st, 1849, with the exception of a registration duty of 1*s.* per quarter, which was to terminate in 1869 ; and it was eventually abolished by the Budget of that year. The Premier was bitterly assailed by the Protectionists. More than one hundred speeches were delivered during the opening debate. The bill was stoutly contested at every stage, but on May 16th

CHAP. III. Legislation under Queen Victoria.

it passed its third reading by 327 to 229. In the Lords the third reading was carried by 211 to 164, and the measure became law on June 25th. On the same day the Peel Ministry fell upon the Irish Coercion Bill. In taking leave of office on the 29th, the Premier reviewed the course and policy of his Government, and paid a warm tribute to Mr. Cobden. Then, in memorable language, he observed that in relinquishing power he should leave a name severely censured by conscientious Protectionists and execrated by selfish monopolists; "but," he added, "it may be that I shall leave a name sometimes remembered with expressions of goodwill in the abodes of those whose lot it is to labour and to earn their daily bread by the sweat of their brow, when they shall recruit their exhausted strength with abundant and untaxed food, the sweeter because it is no longer leavened by a sense of injustice."

Fall of the Peel Ministry.

Results of Free Trade.

The policy of Free Trade has been justified as the only one under which capital and labour find their most natural and profitable fields for employment. The vast expansion of British trade witnessed during the past forty years would not have been possible under any other system. Periods of depression may give a momentary impulse to Protectionist and Fair Trade theories, but the practical difficulties in the way of the realisation of such theories are insuperable, while it is now an acknowledged axiom that for a country like England Free Trade is an absolute necessity.

II. Colonial and Indian Legislation.

Affairs of Canada.

Canada, one of the most important of British possessions, was in a greatly disturbed condition at the time of the Queen's accession. The French party in Lower Canada, which formed the vast bulk of the population, had long complained that they could obtain no redress for their grievances. They urged that the executive and the Upper Legislative Chamber were composed of Crown nominees and in no sense represented the feelings of the majority of the inhabitants, while the

administration was one-sided and inefficient. As popular measures were invariably thrown out by the Council, the Assembly of the Lower Province stopped the supplies for the payment of official salaries in 1833; and the Upper Province followed their example in 1836. The Upper Province demanded that the Executive Council should be made responsible to the Assembly, and the Lower that the Legislative Council should be made elective. In the Imperial Parliament, however, resolutions refusing these concessions were proposed by Lord John Russell on March 6th, 1837, and carried, after a long debate, by 269 to 46 votes. On the news becoming known in Lower Canada, the French population rose as one man. The rebellion was crushed, but the Home Government saw that they could no longer turn a deaf ear to all reforms. In 1838, accordingly, Lord Durham was sent out to Canada in the double capacity of Governor-General and High Commissioner for adjusting the differences in the Upper and Lower Provinces. The constitution of Lower Canada was suspended pending the pacification. Lord Durham, with the aid of his special council, issued an ordinance banishing such prisoners as were in his power, and ordering their transportation to the Bermudas. These prisoners, together with the insurgent leaders who had escaped to America, were forbidden to return to Canada, under pain of death, until they had leave to do so. This ordinance was severely attacked by the Opposition at home, Lord Brougham being especially strong in his denunciations. Ministers were compelled to disallow the ordinance, whereupon Lord Durham resigned and left Canada. His mission had not been without effect, however, for, acting upon a valuable report which he had prepared, the Melbourne Government passed an act in 1840 uniting the two provinces, and granting a popular constitution to Canada. The advantages of a single government and a single Parliament were gained, together with electoral and municipal reforms. These reforms were consolidated a few years later by Lord

Lord Durham's policy.

CHAP. III. Legislation under Queen Victoria.

Confederation.

Elgin, an able Governor-General, though a riot occurred in Montreal in 1850, because his lordship had given his assent to a bill indemnifying the inhabitants of Lower Canada for the losses inflicted on them by the insurrection of 1837-8. In 1867 Lord Carnarvon, the Colonial Minister, carried through Parliament a bill for the confederation of the British North American provinces, under the title of the Dominion of Canada. The plan originally suggested by Lord Durham was successfully completed by this measure. Under this new constitution, a House of Commons and a senate formed the central Parliament. The members of the House of Commons were elected by the people, and the senate consisted of seventy members, nominated for life by the Governor-General. The executive was vested in the Crown, as represented by the Governor-General. The confederation at first included the two Canadas, Nova Scotia, and Brunswick; but Manitoba, British Columbia, and Prince Edward Island subsequently joined. Newfoundland alone remained independent. There are local Legislatures for the provinces, as well as an Imperial Legislature for the whole. The Dominion is practically independent of the mother-country, the Governor-General being the only link with the Home Government.

Events in Jamaica.

Jamaica was another English possession which had long been disturbed by rebellions. The negroes frequently rose against their masters, and in the year 1838 it was found necessary to abolish apprenticeship, in spite of the protests of the Jamaica Assembly. The island still remained in a deplorable condition, however, and in 1839 a bill was brought into the English Parliament to suspend the constitution of Jamaica for five years, in consequence of the action of the Assembly with regard to the emancipation of slaves. This Jamaica Bill led to the fall of the Melbourne Ministry. It was opposed by Mr. Hume and the Radicals, and also by Sir R. Peel, who considered that an opportunity should be given to the Assembly to withdraw from its false position. As the proposal to go into committee on the bill was

carried by a majority of five votes only, Ministers decided to resign. Sir Robert Peel was invited to form a Government, but stipulated for the removal of certain ladies of the Bedchamber. This request her Majesty refused, stating that "she could not consent to adopt a course which she considered to be contrary to usage, and which was repugnant to her feelings." As Sir Robert Peel would not give way, Lord Melbourne returned to office, somewhat strengthened by the incident, though its constitutional aspect was warmly discussed by the opposing parties. A second Jamaica Bill was introduced, but it was shorn of its most important provisions, and it left a loophole for continued misgovernment. As finally passed, it allowed time to the Assembly to re-enact the annual laws without which the affairs of the island could not proceed; and it invested the Governor in Council with power to renew those laws at the expiration of two months after the Assembly should have separated without re-enacting them. Another serious rebellion broke out in Jamaica in 1865, which was repressed with great and undue severity by Governor Eyre. At the close of the year the representative constitution of the island was abolished by the Legislature, and this abolition was subsequently confirmed by the British Parliament. The affairs of Jamaica have since been administered by a governor, assisted by a Legislative Council and a Privy Council.

The "Bedchamber Plot."

Jamaica Constitution abolished.

Colonial reform occupied a prominent position in 1849-50. Excess of authority, the sending out of convicts, and other causes, had led to grave discontent in many of the British colonies. Moved with a desire to give the Australians a system of self-government, Lord John Russell introduced the Australian Colonies Bill in the session of 1850. While reserving the power of veto in all cases to the Home Government, he proposed the establishment of a legislative body in each of the Australian colonies, with power to introduce such changes in their constitution as they thought fit, and an executive responsible to the colonial Parliament. The measure was

Reforms in Australasia.

Australian Colonies Bill.

CHAP. III. Legislation under Queen Victoria.

carried, and it formed the commencement of a system of local responsible government for our colonies generally. In the course of a few years representative governments were formed for New South Wales, Victoria, South Australia, and Van Diemen's Land. In 1852 New Zealand was established as a self-governing colony. It was divided into six provinces, ultimately increased to nine; but in 1875 the provincial system was abolished. The legislative power was then vested in the Governor, together with a general assembly of two chambers—the Legislative Council, nominated by the Crown, and the House of Representatives, elected by the people.

New Zealand.

The Colonial Office.

In 1854 the War and Colonial Secretaryships, which had been united since 1801, were divided, the accumulated duties devolving upon the Colonial Office rendering a chief Secretary of State necessary for each department. Sir George Grey was appointed Colonial Minister.

South African Confederation.

The policy of confederation was extended to South Africa in 1877, when Lord Carnarvon, the Colonial Secretary, carried a bill to permit the colonies of Natal and the Cape of Good Hope, the Orange Free State, and the Transvaal, to form a confederation. The measure failed in its effect, partly because of the abortive action of the English agents, and partly because of the unfriendly attitude of the colonists. The South African Confederation Act was unlike that of Canada from the fact that, instead of merely constituting a single dominion, to which new provinces might from time to time be admitted, it constructed an elaborate federal system, more after the fashion of the United States, with a central Legislature and local Legislatures, the respective functions of which were clearly assigned in the constituting act. Power was reserved to the Home Government to make any law relating to the Union. In this same year (1877) Lord Carnarvon sanctioned the annexation of the Transvaal by Sir Theophilus Shepstone.

The Crown and its Dependencies.

The Imperial Parliament can legislate for British dependencies either by the prerogative of the Crown, or by the existence of constitutional government already con-

ceded to a colony. A conquered country, while a dominion of the Crown in right of conquest, is subject to the legislative power of the Imperial Parliament. A statute passed in 1843, conferring legislative power on the Crown in the case of settlements on the coast of Africa and the Falkland Islands, empowered the Queen in Council to establish laws, institutions, and ordinances, but all such Orders in Council were to be laid before Parliament. The Imperial Legislature has virtually a right to impose taxes on a colony, and it also possesses a plenary power of amending and altering its constitution.

The Government of India.

The direct legislative control of India had long been gravitating towards the Crown, when urgent attention was drawn to Indian affairs by the terrible mutiny of 1857. Legislation now became imperative, and in 1858 an act was passed for the better government of India, by which the government of the British territories in India was transferred from the East India Company to her Majesty. Already in 1853 the patronage of the Civil Service had been taken away from the East India Company by Sir Charles Wood's Act, and thrown open to competition, and the disastrous Indian Mutiny precipitated other reforms. The bill of 1858 was introduced by Lord Stanley, after several abortive attempts at legislation. It provided that the entire Indian administration should be transferred to the Crown, which was to govern through one of the Secretaries of State, assisted by a Council of fifteen. The title of Viceroy was given to the Governor-General, and the naval and military forces of the company were united with the services of the Queen. On the motion of Mr. Gladstone, a clause was incorporated limiting the employment of East Indian troops to our Indian possessions. Lord Stanley was appointed the first Secretary of State for India. The East India Company still existed as a medium for distributing stock, but it was finally extinguished in 1873. The Additional Titles Bill, passed in 1876, enabled the Queen to add to her other titles that of Empress of India, by which she was proclaimed on January 1st, 1877.

CHAP. III.
Legislation under Queen Victoria.

III. Legislation for the Working Classes.

Working-class legislation.

One of the most excellent characteristics of the Queen's reign is the great body of legislation passed in the interests of the working classes. This legislation has embraced their health, their labour, their recreations, their savings, and their education. I shall endeavour briefly to trace the course and extent of this legislation, leaving the question of national education only for separate treatment. It began worthily in the session of 1842 with Lord Ashley's bill for the improvement of the condition of women and children in mines and collieries. The report of a royal commission had revealed a terrible state of things, under which women and children were but mere beasts of burden. Moral and physical deterioration, with premature death, was the lot of all engaged in collieries. Lord Ashley's bill provided, first, for the entire exclusion of all females from mines and collieries, and of all boys under thirteen years of age; secondly, for the employment as engineers of men over twenty-one only, for the purpose of avoiding numerous accidents; and thirdly, for the abolition of apprenticeships, by which pauper children had been rendered the absolute slaves of their masters till they reached the age of twenty-one. The House of Commons was so shocked by the revelations made that the measure passed without a division; but, to disarm the opposition of the Lords, a clause which had compelled the employment of boys on alternate days only was abandoned, and apprenticeship, instead of being totally prohibited, was restricted to eight years. But, even with these amendments, the bill possessed great humanitarian advantages.

Women and children in mines.

Factory legislation.

Factory legislation was next pressed forward. Reference has already been made to the act of 1834, but as far back as 1802 this subject had attracted the attention of Sir Robert Peel the elder, who carried the Health and Morals Act, which, besides providing for the cleansing and ventilation of factories, limited the labour of apprentices to twelve hours a day, forbade their employment in

night work, and made arrangements for their clothing, education, and moral well-being. In the session of 1843 a Factory Bill, which provided for the compulsory education of pauper and factory children, was introduced, but in consequence of the opposition of the Dissenters, on the ground of the undue influence it gave to the Church, it was withdrawn. Sir James Graham reintroduced the measure in the following session, without the educational clauses. Strife raged round the clause settling the hours of labour, but at length a twelve hours' limit was agreed to. The Factory Act of 1844 largely amended the existing statute. It reduced the working hours of children to six and a half, and insisted upon the hours being consecutive, so as to allow time for education. The limitation of twelve hours was to include women as well as young persons. The certificate of age and health was made strictly imperative; dangerous machinery was ordered to be guarded to prevent accidents; and inspectors were appointed to carry out the Act. In 1845 Lord Shaftesbury's Print Works Act was passed. Mr. Fielden carried an act in 1847 for limiting the labour of young people between the ages of thirteen and eighteen to twelve hours a day, less two hours for meals. The measure was opposed by Graham, Peel, Brougham, and others, on the ground that compulsory limitation of the hours of labour was a restriction on free contract and an unjustifiable curtailment of the willing work of an industrious man; but the general sense of Parliament was in favour of the measure, and the Ten Hours Bill passed both Houses by large majorities. In 1850 the Coal and Iron Mines Act, which contained effective provisions for the supervision of mines, was passed. In the same year the act of 1847 was extended and supplemented by an act which settled the time of labour for all protected persons at practically ten hours per day. In 1860, bleaching and dye works were included in the operation of the acts, and lace factories and bakehouses were legislated for in 1861. The pottery trade was dealt with in 1864. Lord Shaftesbury's Commission of Inquiry issued its first report in 1861, and a few

The Act of 1844.

The Ten Hours Act.

Other measures.

CHAP. III.

Legislation under Queen Victoria.

years later it instituted a thorough inquiry into the question of small shops and work-rooms used in connection with larger establishments. Legislation resulted in 1867, when two measures—a Factory Act Extension Act and a Workshops Regulation Act—were passed. These Acts declared for the first time that all work done for wages by young persons and women should be placed under supervision, and be subject to distinct regulations, and the working of the acts was entrusted to local authority; but, as this did not prove satisfactory, a supplementary act was passed in 1871 restoring the former system of Government inspectors. Further regulating provisions for factories were made law in 1874. Many defects still remained, however, and in 1876 the Royal Commission on Factory and Workshop Acts was appointed. Its report showed that, while previous legislation had effected great good, changes in the direction of the consolidation of the law were required. Accordingly in 1878 Mr. R. A. Cross brought in and carried his important measure the Factory and Workshop Act. This great statute formed a complete code of factory legislation. It repealed or amended certain acts, and consolidated the whole of the existing legislation. The Act dealt exhaustively with five classes of works: first, textile factories such as cotton mills; secondly, non-textile factories, including an immense variety of trades, such as iron works, paper works, and print works; thirdly, workshops generally in which mechanical power is not used, and where the employer has the right of access and control; fourthly, workshops in which none but women above the age of eighteen are employed; and fifthly, domestic workshops, in which the work is carried on in a private house, room, or place in which the only persons employed are members of the same family dwelling there. In some instances, such as ship-yards, hat works, bakehouses, etc., the place is regarded as a factory or workshop according to the use or non-use of mechanical power. The highest degree of regulation is reached in the first class, and the legal provisions relax in stringency from that class downwards. The Act

Factory and Workshop Act of 1878.

is carried out by Government inspectors, who have the fullest powers of entering factories, workshops, and schools, of asking for documents, and of examining persons on oath; but a special warrant is required to enter a dwelling-house.

Railway legislation.

The Railway Act of 1844, introduced by Mr. Gladstone as President of the Board of Trade, was a measure distinctly conceived in the interests of the working classes as well as those of the community at large. All later railway legislation has been based upon this measure. One part of the act provided that if within a certain fixed time the profits of any railway were found permanently to exceed 10 per cent., the Lords of the Treasury might, on guaranteeing for a time 10 per cent. profit, reduce fares in the interest of the public. Government had also the option of purchasing under certain circumstances, and by an act of Parliament to be obtained for the purpose, railways yet to be constructed. But the most important portion of the Act was that which asserted the constitutional right of the poorest and most dependent citizen, not only to have his vested rights of free and cheap locomotion along the Queen's high-roads, or such substitutes for them as the Legislature might from time to time introduce, protected by Parliament, but to participate to some extent in the advantages of cheapness, rapidity, ease, and safety which the development of the railway system enabled the companies to achieve. The Act compulsorily provided for one third-class train per day upon every line of railway, regulated the speed of travelling, etc., and arranged for the carrying of children at reduced rates. The supervision of the Board of Trade was afterwards supplemented by the judicial powers of the Railway Commission. In 1864 it was made the condition in all bills sanctioning metropolitan railways that early cheap trains should be run conveying working men to their work.

Friendly Societies.

The growth of friendly societies has been one of the remarkable industrial features of the nineteenth century. Numerous small societies were in existence some two

CHAP. III.

Legislation under Queen Victoria.

hundred years ago, but the first legislative recognition of the principle underlying these societies dates from 1793, when a measure known as the Rose Act was passed, declaring the expediency of protecting and encouraging friendly societies. A Parliamentary committee took evidence on the subject in 1825, and in 1829 an enabling act was passed under the auspices of Lord Portman, then M.P. for Dorsetshire, which "forms the transition from the system of local to that of central registration." A supplementary act passed in 1834 carried centralisation a step further. In the early years of the present reign the labours of Ansell, Neison, and Ratcliffe established a secure financial basis for friendly societies. The "Ratcliffe tables" were endorsed by the royal commission which sat from 1871 to 1874. The affiliated class of friendly societies received legal recognition in 1850 by a temporary measure, which five years later became a permanent act. Before this date they had been illegal combinations. The new registrar, however, Mr. J. Tidd Pratt, refused to allow the registration of branches of the orders, except as separate and isolated cases—a misruling which was not corrected, so far as branches registered under the act of 1855 were concerned, until 1886, by a judgment of the Supreme Court of Appeal. In 1875 Sir Stafford Northcote's important Act relating to Friendly Societies was passed. It was intended to cure the evils of insolvency common to such associations, and placed opportunities in the way of the managers for having their arrangements examined, though it shrank from imposing compulsory supervision. It was supplemented by a short amendment act in 1876, under which societies with branches could be registered as affiliated orders. The special features of the legislation of 1875-6 were the following:—the appointment of one chief registrar and three assistants, instead of three separate registrars for England, Scotland, and Ireland with co-ordinate authority; a special clause dealing with collecting societies; deposit of rules by unregistered societies no longer allowed; annual audits required;

Act of 1875.

valuation of assets and liabilities required every five years; public auditors and valuers to be appointed by the Treasury, but their employment not compulsory; the number of members who could apply to the registrar for an award of dissolution reduced, and further powers given to the registrar on this point. Legislation since 1875 has been of an amending, and not of a radical character.

Savings Banks.

Thrift amongst the working classes was encouraged by Mr. Gladstone's Act of 1861 establishing Savings Banks in connection with the Post Office. Although the interest is not large under this scheme, the security is sound, and this safeguard was not always enjoyed by the thrifty workman.

Various acts

Among other measures distinctly benefiting the working classes were the Bank Holidays Act, the Shop Hours Regulation Act, the Public Libraries Amendment Act, and the Open Spaces Act, all of which owed their being to Sir John Lubbock. Reference must also be made to measures of sanitary improvement, and various acts passed by Parliament establishing schools of design, provident societies, baths and washhouses, parks, and places of recreation.

Trades Unions.

The progress of the working classes gave a great impetus to the formation of trades unions. These unions are combinations of artisans to compel masters to pay such wages as the unions consider they ought to give. Coercion and outrage have sometimes been employed against non-union workmen, and shocking cases of this kind occurred in 1866 at Sheffield and Manchester. A royal commission was appointed in 1867 to inquire into the methods, means, and effects of trade societies, and a smaller commission was nominated to investigate the special cases at Sheffield and Manchester. Many terrible facts were revealed in the report of the commission, but the reasonableness and legality of combination were fully admitted, and legislation was recommended for the removal of defects of organisation.

Act of 1871.

Accordingly the Trades Union Act of 1871 was passed. It recognised the unions as legal, and their treasurers

CHAP. III. Legislation under Queen Victoria.

and trustees were made as liable as those of other friendly societies to be sued for misuse of the funds; but, except in certain definite cases, only such conduct as would authorise a magistrate to bind the perpetrator over to keep the peace was to be regarded as criminal molestation.

Housing of the Working Classes.

The wretchedly defective housing of the working classes was for many years a crying evil. Legislative efforts were made by Mr. McCullagh Torrens and others to deal with this, and in 1875 Mr. R. A. Cross introduced and passed his Artisans and Labourers' Dwellings Act. The measure was not a compulsory one, neither did it encourage the charitable building of houses at less than the market rate; but corporations of large cities were allowed to acquire land or buildings for the accommodation of the working classes, and, if they chose, they could compel owners to sell. The Housing of the Working Classes Act, 1885, was enacted in accordance with a recommendation of the royal commissioners on the housing of the working classes. By this act it was expressly declared to be the duty of all local authorities to put in force, as occasion might arise, the powers with which they were invested for the securing of the proper sanitary condition of all premises within their districts. The action thus taken by the Local Government Board was supplemented by still further legislation; and the Housing of the Working Classes Act, 1890, takes the place—with some important amendments—of the enactments known as Torrens's Acts and Cross's Acts and also the Labouring Classes' Lodging-houses Acts, 1851 to 1885. This new act concerns metropolitan, urban, and rural sanitary authorities.

Acts of 1875 and 1885.

Employers and Workmen.

The interests and duties of workmen have been protected and defined by various acts. The principal of these are the Employers and Workmen Act, 1875, and the Conspiracy and Protection of Property Act, 1875. These acts give the county courts special powers with regard to the settlement of disputes between employers and workmen, and provide that a combination of two

or more persons cannot be indicted for conspiracy to do what would not be criminal if done by one only. Workmen employed by gas and water companies are liable on breach of their contract to fine or imprisonment. Disputes between employers and workmen, and between masters and apprentices where the amount claimed does not exceed £10, may be heard before justices at courts of summary jurisdiction, or arbitration can be resorted to under the Arbitration (Masters and Workmen) Act, 1872. Labourers come within the definition of "workmen" given in the Employers and Workmen Act, 1875. Their wages are prohibited from being paid in kind or with goods by the Truck Act of 1831, whose provisions were extended to any workman by the Truck Amendment Act, 1887. The Employers' Liability Act of 1880 so far extended the favour of the law to workmen as to make employers answerable to their servants for the negligence of those to whom they have delegated their authority. With regard to certain cases of injury, it gave the same remedy to workmen against their employers as is enjoyed by strangers.

IV. Education.

The Education question.

Education has been another conspicuous feature of legislation during the past fifty years. Lord Brougham, who was closely identified with this subject, propounded a plan of national education in 1837, the chief elements in which were—the smallest Government interference, a system of incentives and encouragements which should ultimately bring schools within the reach of all, and a provision for religious but unsectarian teaching. The shortness of the session prevented the measure from being fully considered. A more effective step was taken in 1838, when a committee of the House of Commons, under the chairmanship of Mr. Slaney, reported strongly in favour of the establishment of schools. Statistics respecting the great educational destitution then existing were appended to the report. A motion by Mr. Wise, Chairman of the Central Society for Education, praying

CHAP. III. Legislation under Queen Victoria.

the Queen to appoint educational commissioners, was lost by a majority of four only.

Committee of Council.

Lord John Russell, however, saw that the time for action had arrived, and in the session of 1839 he brought in a bill for the establishment of a committee of Council on Education. The committee was to be composed of the Lord President of the Council and four other of her Majesty's Ministers ; and to the board thus constituted was entrusted the application of any sums which might be voted by Parliament for the purpose of education in England and Wales. Inspection was imperative to obtain grants ; and for the supply of teachers a Government Normal School was to be established, where children and teachers were to be trained in the principles of Christianity, but the rights of conscience were to be respected. Owing to the strong opposition of the Lords, the Ministry gave up the Normal School, but retained the Committee of Council. In the Commons the inspection clause was vehemently opposed on the ground of unwarrantable interference, but Ministers carried their scheme, though by two votes only : 275 to 273. Dr. J. Phillips Kay, afterwards Sir James Kay-Shuttleworth, was appointed first secretary and chief adviser of the committee ; and owing to his efforts and those of Mr. E. G. Tufnell, the Battersea Training School was instituted for the purpose of systematising the professional training of teachers. The school was subsequently taken over by the National Society. The British and Foreign School Society likewise established a training institution in the Borough Road. In the Minutes of Council presented to Parliament in 1840, it was expressly provided that the right of inspection should be insisted upon in all cases in which a grant was made. Sir James Graham, in introducing the Government Factory Regulation Act of 1843, made proposals in the educational clauses which had the effect of providing schools for the poor at the cost of local rates, and enforcing in them the attendance of all children partially employed ; but, as there was a clause also providing for religious instruction

Training Institutions.

according to the principles of the Church of England, the Nonconformists and Roman Catholics strongly opposed the measure on the ground of undue Church influence, and it was abandoned.

Education grants.

New Minutes of Council issued in 1846 proceeded on the principle that the existing religious agencies should be utilised and aided, and that no independent State system should be attempted. It was proposed to make further grants in aid, having for their primary object the improvement of the qualifications of teachers. In the session of 1847 Lord John Russell obtained from Parliament an augmented educational grant of £100,000. It was to be employed chiefly in carrying out the Minutes of Council of the previous year, and the scheme thus authorised formed the basis of the subsequent developments in national education. Under this plan masters were allowed to take pupil-teachers as apprentices, careful inspection under strict conditions was established, and pensions were granted to superannuated masters. Parliament passed an act in 1856 establishing the office of Vice-President of the Privy Council on Education, thus providing that a Minister should be responsible to the House of Commons for dispensing the grant hitherto distributed on the authority of a departmental committee.

Vice-Presidency of the Council.

Royal Commission on Education.

In 1858 a royal commission, under the presidency of the Duke of Newcastle, was appointed to inquire into the actual state of popular education. The annual grant had increased from £100,000 in 1846 to £663,435 in 1858, and it was feared that the nation was not receiving full value for its expenditure. The commission reported in 1861, and among other important recommendations was one to the effect that the only way of securing efficiency was to institute a searching examination of every child in schools receiving Government grants, and to make the prospects and position of the teacher dependent on the results of this examination.

Revised Code of 1862.

The Revised Code of 1862 was drawn up by Mr. Lowe, Vice-President of the Council, and Mr. Lingen, Permanent Secretary, to give effect to the recommendations of the

CHAP. III. Legislation under Queen Victoria.

committee. The scheme abolished the personal relation between the department and the teachers, and proposed to make the grant to each school, in one sum, to the local managers. The whole of the grant was to come from the Consolidated Fund, instead of by means of a county rate, as suggested by the commissioners; and in determining the amount the results of examination in reading, writing, and arithmetic were alone to be considered. After much opposition the measure became law. The Government were blamed for discouraging the higher qualifications of teachers; but as the new Code recognised no other results than proficiency in reading, writing, and arithmetic, increased attention was unquestionably paid to elementary teaching, and pupils generally, especially those in the lower classes, received greater consideration. In 1867 Mr. Corry, who was then Vice-President, extended the Code so far as to provide additional grants on condition that there should be a larger staff than the minimum heretofore required, and that one supplementary subject—grammar, history, or geography—should be taught.

Secondary education.

Meanwhile secondary education was not neglected. An inquiry into endowed charities, conducted at intervals from 1818 to 1837, brought to light much information concerning the origin, history, etc., of endowed schools, but no investigation into their educational character and public usefulness was undertaken until the appointment of a special royal commission of inquiry in 1865. The commissioners reported in 1867, when many abuses in connection with the ancient grammar-schools were revealed, while few of the proprietary schools were pronounced either financially stable or prosperous. Various remedies were suggested by the commissioners, and, to give effect to these, in 1869 Mr. W. E. Forster, Vice-President of the Council, introduced and passed the Endowed Schools Act. Under this measure a special executive commission was constituted, with power to frame schemes for the reorganisation of all endowed educational charities, and likewise, with the consent of

Endowed Schools Act.

the local trustees, to apply certain non-educational endowments to educational purposes. An attempt was made in 1874 to reverse the liberal religious principles on which the commissioners were acting, but the only practical effect of the movement was to transfer the powers of the commission to the existing body of Charity Commissioners. Under the provisions of the act of 1869 many of the old schools have been reformed, while valuable new schemes have been created.

Higher education.

With regard to the public schools and universities, in 1862 Lord Clarendon's Commission reported on the state of the nine great public schools: Eton, Harrow, Rugby, Winchester, Westminster, Shrewsbury, Charterhouse, St. Paul's, and Merchant Taylors. With the exception of the two last-named schools, legislation followed the recommendations of both Lord Clarendon's Commission and that of the Duke of Newcastle. Great improvements have been effected in the schools, and in several new schemes adopted. Legislation in connection with the universities began in 1850 with the appointment of a royal commission of inquiry. An act was passed in 1854 which abolished the subscription to the Articles hitherto required at matriculation at Oxford and on admission to the B.A. degree, and appointed an executive commission which swept away the local restrictions of scholarships and fellowships. An act for the abolition of tests for the higher degrees was carried in 1871. A commission appointed in 1877 founded or augmented professorships at the expense of the colleges, limited the tenure of "idle" fellowships, and almost completely removed clerical restrictions. Similar legislative measures were passed in connection with the university of Cambridge. Several provincial university colleges have been founded, as well as colleges for the higher education of women. Public day-schools for girls were established in 1874.

Elementary Education Act, 1870.

Elementary education in England was placed on the widest basis by Mr. Forster's great Elementary Education Act of 1870. This comprehensive measure combined

CHAP. III. Legislation under Queen Victoria.

local activity with central supervision, and it asserted for the first time the constitutional right of the State to insist upon education for the young, in the same way as through the poor-law system it had long asserted their claim to food and clothing. The Education Act of 1870 provided that the whole of the country should be divided into school districts, London forming one in itself, the boroughs another set, and the rural parishes the rest. Sufficient school accommodation was ordered to be provided in every district for all the resident children. Whenever the voluntary school supply was insufficient, school boards were to be created, with power to levy rates for the establishment and maintenance of schools, and at the same time to exercise by means of local byelaws the power to compel the attendance of children at school. The scope of instruction in the schools was enlarged. By supplementary legislation in 1873, 1874, and 1875, the curriculum was still further extended by the introduction of a list of specific or additional subjects beyond the class subjects, and by the allowance of grants on behalf of older children who were examined and passed in them. The Act passed under the auspices of Lord Sandon in 1876 gave to school attendance committees, in places where no school boards existed, the power to enforce attendance. It also embodied former factory acts, and made clearer the duty of parents to provide education for their children from six to fourteen, unless before that age they should have succeeded in passing the standard for exemption provided by the local authority. In 1880, when Mr. Mundella was at the head of the Education Department, an Act was passed superseding the optional compulsion provided by Mr. Forster's Act and the indirect compulsion of Lord Sandon's Act, and enforcing on the school authority in every district the obligation to make byelaws to compel attendance. Further important educational changes were made in the Code sanctioned by Parliament in 1882. With regard to infant schools, in addition to the reading, writing, and arithmetical tests, provision was made for a regular

Supplementary Acts.

course of object lessons on the phenomena of nature and of common life, and also for those manual and other employments commonly known as kindergarten games and occupations. These changes have not only brightened instruction for the young, but have considerably raised the standard of excellence. Among other changes effected by the Code of 1882, graduated grants were substituted for the fixed sums heretofore paid for instruction in such subjects as English grammar and composition, geography, history, and elementary science.

Education in Scotland.

Touching education in Scotland, as far back as 1696 a law was passed establishing a school in every parish in Scotland; but the great Church disruption of 1843 led to the establishment of the Free Church and the collapse of the parochial school system. Free Church and Establishment schools now existed side by side, but the result was by no means all that could be desired. Accordingly in 1872, two years after Mr. Forster's English Act, the Scottish Elementary Education Act was passed. It established a school board in every Scottish parish, which had the control of all parochial schools—high-schools and academies as well as elementary schools—and was likewise empowered to erect and maintain new schools, according to the needs of the population. Grants were given to all schools under school boards, except high-class public schools. Free elementary education now practically exists all over Scotland. The Scotch Code provides for the teaching of more advanced subjects than the English. A committee of the Privy Council, called the Scotch Education Department, is charged with the administration of the Scotch Education Act.

Education in Ireland.

National education in Ireland is administered by twenty commissioners, ten of whom are Protestants and ten Roman Catholics, all being appointed by the Lord Lieutenant. They distribute the Government grants to vested or national schools; non-vested or private schools; model schools, in which young people are trained as teachers; agricultural national schools; technical schools; convent and monastery schools; and workhouse national schools. Any child

CHAP. III. Legislation under Queen Victoria.

may be withdrawn from religious instruction of which its parents or guardians do not approve. With regard to higher education, in 1879 the University Education Act (Ireland) was passed. It provided for the dissolution of the Queen's University, founded in 1850, and for the foundation of the Royal University of Ireland, which received its charter in 1880.

V. FINANCE.

Financial legislation.

The financial legislation of the reign has been of the fullest and most comprehensive character. The first important measure was the Budget of 1839, which adopted Rowland Hill's scheme for a penny postage. The change resulted in a temporary loss, but in the course of a few years vast benefits became apparent, both to the public and the revenue. The national finances were in a disastrous condition in 1841. The aggregate deficiency for five years now amounted to £7,500,000. Mr. Baring brought forward a well-considered Budget, which proposed to make up the deficiency by a modification of the duties on sugar and timber and an alteration of the duties on corn; but, on the motion to go into committee on the sugar duties, a debate ensued which lasted for eight nights, Ministers being defeated in the end by 317 to 281 votes. The great feature of Sir Robert Peel's Budget for 1842 was the imposition of the income tax, which was fixed at sevenpence in the pound. He stated, however, that it was to be an exceptional tax, and limited in duration. A sweeping revision of the Customs tariff was effected, the duties being either repealed or diminished on no fewer than seven hundred and fifty articles.

The Income Tax.

Bank Charter Act.

The year 1844 was marked by the passing of Sir R. Peel's comprehensive Bank Charter Act. Notwithstanding the previous act of 1833, London continually suffered from a scarcity of bullion, and it was to relieve the pressure upon the Bank of England that the measure of 1844 was passed. It enacted that the Bank should not be allowed to issue more than £14,000,000 in notes, unless a corresponding amount of specie were retained. No new

banks established after the measure became law were to issue their own notes, and the old banks were not to increase their issue. Joint-stock banks were in future to be allowed to accept bills of any amount or date, and the right of suing or being sued was provided. The Scottish banks already issuing notes were permitted to continue the practice, provided that for every note issued above the average amount for the previous year a corresponding amount of specie should be kept in stock. A full statement of the accounts of the Bank of England was to be rendered week by week to the Government for publication. This act was the last important piece of legislation affecting the Bank of England, though the terms of the charter are subject to modification or revocation by Parliament at pleasure. Further duties were remitted by the Budget of this year, and a considerable annual saving was effected by the reduction of the Three-and-a-half Consols. In 1845 Sir R. Peel had a surplus of £5,000,000, but instead of repealing the income tax, which was continued for three years, he made large remissions in general taxation, taking four hundred and thirty articles out of the tariff of duties and reducing the sugar and other duties. The financial schemes of 1846, involving the repeal of the Corn Laws, have already been described.

Mr. Disraeli's finance.

When Lord John Russell resigned office in February, 1852, after being defeated on the Militia Bill, Lord Derby became Prime Minister, with Mr. Disraeli as Chancellor of the Exchequer. A dissolution of Parliament occurred in July, and when the new House met in November the following was the estimated strength of parties: —Liberals, 315; Conservatives, 299; Peelites, 40. On December 8th Mr. Disraeli introduced his Budget. To meet the loss resulting from the remission of taxes and of duties on malt, tea, and sugar, he proposed to extend the income tax to funded property and salaries in Ireland and to extend and increase the house tax. A formidable opposition set in against the proposals, and on December 15th the resolution respecting the house tax was defeated by 305 to 286. Ministers thereupon resigned, and the Earl

CHAP. III. Legislation under Queen Victoria.

of Aberdeen formed his Coalition Government, with Mr. Gladstone as Chancellor of the Exchequer, Lord Palmerston as Home Secretary, and Lord John Russell as Foreign Secretary.

Mr. Gladstone's Budget of 1853.

The next great financial measure was Mr. Gladstone's Budget of 1853. It was his first statement, and it remains one of the most important Budgets on record. After a searching analysis of the income tax, whose inestimable value in case of war he clearly demonstrated, he went on to propose its retention for one year at sevenpence in the pound, with a gradual diminution, so that it should expire in 1860. The duties on a hundred and thirty-three articles were to be reduced, the soap tax to be completely abolished, the assessed taxes to be rearranged, and a succession duty to be imposed. The total amount of remissions was estimated at upwards of £5,000,000. Although the Budget was received with general satisfaction, and all its main features were adopted, Mr. Gladstone was defeated on one interesting point. In place of his motion to reduce the duty on advertisements to sixpence, an amendment for total repeal was carried against the Government by 200 to 169. Mr. Milner Gibson brought forward the resolution which substituted a cipher, 0, for the figure 6*d.*, and the Speaker decided that there was nothing informal in the proceeding. Mr. Gladstone carried a scheme for the reduction of the National Debt, which worked successfully until the outbreak of the Crimean war. In 1854, in consequence of the war, he was obliged to double the income tax for a year, to readjust the sugar duties, increase the malt tax, and place a duty on Scotch and Irish whisky. In 1855 the last penny of the newspaper duty was repealed, and in 1857 the income tax was reduced to sevenpence in the pound by the then Chancellor, Sir G. Cornewall Lewis.

Panic in 1857.

In November 1857 a severe commercial panic spread over England. As in 1847, when similar conditions prevailed, the directors of the Bank of England appealed to the Government for authority to increase their issue

of notes and to suspend the operation of the Bank Charter Act of 1844. Ministers acceded to the request, and called Parliament together in December, when the Bank Charter Indemnity Act was passed.

Indian finances.

The finances of India were grappled with by Lord Stanley in 1859. Before the Indian Mutiny broke out, the revenue nearly balanced the expenditure, but the total deficiency for 1857-9 amounted to £21,600,000, exclusive of all compensation for the loss of private property. It had been almost entirely caused by the increased military expenditure. The Indian revenue was not elastic, and the only present resource was to be found in diminished outlay. Lord Stanley, however, obtained from Parliament a loan for India of £7,000,000, and he promised various land reforms. Sir Charles Wood, Lord Stanley's successor as Indian Secretary, sent out in the autumn of 1858 an eminent financier, Mr. James Wilson, who rendered great service in reorganising the Indian finances. He reformed the Customs, imposed an income tax and license duty, and created a State paper currency.

The Free Trade Budget of 1860.

A new and memorable departure in the commercial progress and general prosperity of Great Britain dates from the year 1860, when Mr. Gladstone brought forward the most comprehensive of his financial measures. The Treaty with France negotiated by Mr. Cobden, with the co-operation of the Chancellor of the Exchequer, was concluded on Free Trade principles, and it has resulted in lasting benefit to the two nations. In view of this treaty, Mr. Gladstone's Budget was awaited with the keenest interest. The expenditure included £1,625,000 for the China expedition, but there was a relief of £2,146,000 from the payment of interest on the National Debt. The war duties on tea and sugar were continued for fifteen months, but the duties on butter, cheese, tallow, oranges, etc., were abolished, and those on timber, currants, hops, etc., reduced. Other beneficial changes were proposed, including the repeal of the paper duty. Mr. Gladstone passed a glowing eulogium upon

CHAP. III. Legislation under Queen Victoria.

Mr. Cobden in connection with the French Treaty. The Lords rejected the Paper Duty Bill, whereupon Lord Palmerston carried a resolution to the effect that the right of granting aids and supplies to the Crown was vested in the Commons alone, thus reaffirming the ancient rights of the House over financial legislation. By the Budget of 1861 the income tax was reduced one penny, and the paper duties were abolished, Mr. Gladstone circumventing the Lords by including his chief financial propositions in one bill. This course was strongly opposed by Mr. Disraeli and Lord Robert Cecil (now Marquis of Salisbury), but approved by such eminent constitutional authorities as Sir William Heathcote and Mr. Walpole. The Duke of Rutland moved the rejection of the whole scheme in the Lords, but the Earl of Derby counselled its acceptance. The bill became law, and a grave constitutional crisis between the two Houses was thus averted.

The Paper Duty abolished.

Later Budgets.

In 1863 Mr. Gladstone reduced the tea duty to one shilling in the pound, and took twopence off the income tax. The financial statement of 1864 showed a surplus of £3,152,000, and reductions were made in the income tax, the fire insurance duty, and the malt tax. Further reductions were made in 1865, the relief for this year amounting to no less than £5,420,000, and in 1866 there were also considerable reductions in taxation.

Panic in 1866.

The financial collapse and panic which ensued upon the failure of Overend, Gurney and Co. in the spring of 1866 brought ruin into thousands of homes. English credit and stocks of all kinds suffered severely, and the Government were compelled, as in 1847 and 1857, to authorise the Bank of England to issue notes beyond the legal limit.

The Abyssinian War.

In consequence of the Abyssinian war, which was undertaken to compel King Theodore to give up Mr. Cameron, British consul at Massowah, and other prisoners, Parliament was called together in November 1867. A vote of £2,000,000 was agreed to for the war, the amount to be raised by an additional penny on the income tax; but, on the motion of Sir Stafford Northcote, it was

determined that the ordinary pay of the Indian troops and shipping employed in the expedition should be charged on the revenues of India. Further heavy votes on account of the war were taken in 1869 and 1870. The expedition was completely successful, but it cost the country nearly £9,000,000.

Mr. Lowe's Budgets.

The financial schemes introduced by Mr. Lowe, when Chancellor of the Exchequer, excited much hostility. The Budget of 1871 contemplated a deficit of upwards of £2,000,000, in consequence of the abolition of purchase and other improvements in the army. Mr. Lowe proposed to meet this by alterations in the probate and succession duties, by an increased and readjusted income tax, and by a tax upon matches. Each of these propositions was violently assailed out of doors, and the match tax was especially obnoxious to dwellers in the East End. Ultimately the Chancellor was compelled to withdraw his whole scheme and to substitute the simple addition of twopence in the pound to the income tax. When the Budget of 1872 was produced, it was found that Mr. Lowe had miscalculated matters. There was a surplus of £3,000,000, and the Chancellor withdrew the twopence previously added to the income tax, and lessened the duty upon coffee by one half. Yet, notwithstanding Mr. Lowe's mistakes, the Gladstone Government had a distinguished financial record. It had remitted taxes to the extent of £12,000,000, reduced the National Debt by £26,000,000, and brought down the income tax to threepence in the pound. When Mr. Gladstone suddenly dissolved Parliament in January, 1874, he held out the hope of abolishing the income tax altogether, for he had always regarded it as an undesirable, though a useful, impost; but the elections went heavily against him, and on quitting office in February he left his successor, Mr. Disraeli, a handsome surplus, amounting in round numbers to £5,000,000. In 1875 profound interest was evoked in England by the announcement that the British Government had purchased the whole of the Khedive's interest in the Suez Canal, at a cost of £4,000,000. It

Gladstonian finance.

The Suez Canal.

CHAP. III. Legislation under Queen Victoria.

was at first thought that this financial *coup* indicated a new departure in Eastern policy, but it was ultimately regarded as no more than a defensive step on the Premier's part, and as a successful commercial transaction. The Budgets for 1875-6-7 were of an unpretentious character, but in 1878 the expenditure included £3,500,000 out of a vote of credit of £6,000,000 for the Turco-Russian war.

Financial measures, 1880-1885.

In 1880, when Mr. Gladstone was again in power, the malt tax was abolished, and a tax on beer substituted. The expenditure included £3,000,000 for the war in South Africa, and a penny was added to the income tax, while the beer and spirit licenses were increased. In 1881 a penny was taken off the income tax, and the legacy duties were readjusted and increased. The expenditure included special war charges and a portion of the Turco-Russian vote of credit, amounting together to £2,347,000. The extra war and vote of credit charges in 1882 amounted to £3,842,000. No alteration was made in general taxation. In July of this year a vote of credit of £2,300,000 was taken on account of Egypt, and the income tax was advanced threepence to meet the demand. Mr. Childers now became Chancellor of the Exchequer. In 1883 his financial proposals for the construction of a second Suez Canal were generally construed as being too favourable to M. de Lesseps, and were ultimately abandoned. A conference was held in London in 1884 for the settlement of Egyptian affairs, but it proved abortive; and Lord Northbrook was sent out to Egypt as Lord High Commissioner to inquire into its finances and condition, the result being a loan of £9,000,000. Mr. Childers was defeated in his Budget of 1885, which included, among other changes, a large increase of the wine and spirit duties. A hostile motion by Sir M. Hicks-Beach was carried by the narrow majority of twelve votes—264 to 252. Mr. Gladstone resigned, being supported by his colleagues in the desire to relinquish office, although a vote of confidence in the Government could easily have been carried.

Legislation in connection with the National Debt demands attention. A scheme was adopted in 1868 for its continuous reduction by the conversion of stock into terminable annuities; and in 1875 a new and permanent sinking fund was established, which was to be maintained by annual votes of the House of Commons. Mr. Childers formulated and carried an important scheme in 1883 by which, through the creation of new annuities terminable in twenty years, £70,000,000 of debt could be immediately extinguished, and £173,300,000 in twenty years. Mr. Childers carried a further act in 1884 by which a portion of the debt was to be converted from 3 per cent. to 2½ per cent. stock. On the conclusion of the Peace of Paris in 1815, the National Debt stood at £861,039,049; at the commencement of the Crimean war (1854) it was £769,082,549; but in 1890 it had fallen to £689,944,026.

The National Debt.

VI. Irish Legislation.

Ireland was a conspicuous subject of discussion and legislation from the very commencement of the reign. Lord Melbourne's Government resolved upon measures dealing with the tithes, poor-laws, and municipal corporations. With regard to the poor-laws, a commission reported in 1836, revealing a terrible condition of poverty. Mendicancy was universal, and no one felt it a disgrace. The labours of the commission were supplemented by those of Mr. Nicholls, one of the English Poor Law Commissioners, who recommended radical reforms. Accordingly, in the session of 1838, Ministers brought forward an Irish Poor Law Bill. Its main feature was the division of the country into unions, each union having a workhouse managed by a board of guardians, elected by the ratepayers. Every destitute person had an absolute right to relief, which was to be administered almost entirely in the workhouse. There was to be a central board, which would supervise the local bodies charged with relief, and the rate was to be levied on the annual value of real property. The laws were similar in spirit to those of England. The bill was severely attacked by

Irish legislation.

Poor Law Act of 1838.

CHAP. III. Legislation under Queen Victoria.

O'Connell both on economical and sentimental grounds, and he especially denounced the "go to the workhouse" provisions. The measure, however, became law. The tithe question, round which such fierce controversy had long raged, was next taken up by Lord John Russell. A commission had reported that the State Church included little more than one-tenth of the people, that in a hundred and fifty parishes there was not one Protestant, and in eight hundred and sixty parishes less than fifty. Tithes were still withheld from the clergy, and the question must be set at rest. But the Lords would hear nothing of the appropriation of the surplus revenues of the Church, and the only chance the Government had of carrying their bill was by the abandonment of the appropriation clauses. This they did, and the retreat of the Whigs from a position which they had themselves chosen greatly strengthened the Conservatives, and led the way for their return to office. The Irish Tithes Commutation Act, which was carried in August 1838, was practically the same as the Conservative measure of 1835. It fixed the rent-charge at the rate of £75, or a reduction of 25 per cent., and surrendered as a free gift the whole of the million pounds which Parliament had advanced as a loan in 1833.

The Tithe question.

Act of 1838.

Municipal Corporations.

In 1840 Lord Morpeth introduced the Irish Municipal Corporations Bill. Ten corporations were reconstituted by this measure, with a £10 franchise. Fifty-eight were abolished; but any borough with a population of three thousand or upwards might obtain a charter of incorporation. Elected commissioners or the poor-law guardians were to manage the boroughs deprived of corporations. The bill became law, and by the passing of this act a long controversy between two powerful parties came to an end. Lord Stanley shortly afterwards introduced a bill for regulating the registration of voters in Ireland. It was warmly opposed by the Government and by O'Connell, the latter attacking its introducer inside and outside the House, and fixing upon him the abusive epithet of "Scorpion Stanley." It was alleged that the

bill would practically disfranchise Ireland, and, owing to the obstinate opposition to it, it was abandoned. Lord Morpeth's Irish Registration Bill of the following year was also severely attacked and defeated.

Repeal agitation.

Meanwhile a serious repeal agitation sprang up in Ireland. The "Young Ireland" party started the *Nation* newspaper, and so threatening did matters become that Sir Robert Peel let it be known there was no alternative —even civil war itself—which he did not prefer to dismemberment of the empire. O'Connell did not desire bloodshed, but hoped to awe the Government into concessions by an overwhelming display of force at his "monster meetings." The Irish Lord Chancellor removed the Liberal magistrates who attended these meetings, whereupon the displaced justices formed independent courts of arbitration. In August 1843 the Government introduced an Irish Arms Bill of a very stringent character. It was fought at every stage by the Whigs, and the leaders of the "Young England" party, Disraeli and Smythe, also spoke against the Government. The measure was carried, however, and Sir Robert Peel refused an inquiry into Irish grievances, asked for by Mr. Smith O'Brien, a Protestant Irishman, with the sanction of the Opposition. Notwithstanding the Arms Act, the agitation increased rapidly. Driven to further action, the Government prohibited by proclamation a monster repeal meeting at Clontarf, near Dublin, and followed up this step by arresting O'Connell and other repeal leaders. O'Connell was brought to trial, and, being found guilty, was sentenced to a year's imprisonment and a fine of £2,000. The case was taken to the House of Lords, and on September 4th, 1844, the sentence was reversed by a majority of the law lords on a technical error in the indictment. The prisoners were accordingly set free. O'Connell was welcomed with enthusiasm in Dublin, but he now moderated his zeal for violent courses, and the repeal agitation gradually died away, although Mr. Smith O'Brien made an abortive attempt to revive it in 1848.

Arms Act.

Trial of O'Connell.

His release.

CHAP. III.

Legislation under Queen Victoria.

Maynooth Act.

Sir Robert Peel soon moved from his policy of complete hostility to Irish concessions, and in the session of 1845 carried the Maynooth Act, for augmenting and putting on a permanent basis the grant to the Roman Catholic college of Maynooth. Mr. Gladstone agreed with his chief on this matter, but, as his views were now at variance with his formerly published work on Church and State, he chivalrously retired from the Ministry. Being supported by the Whigs and the Irish members, the Premier carried his Maynooth scheme in the Commons by 317 to 184, and it afterwards passed the Upper House. The act incorporated Maynooth College, raised the annual grant to £2,000, and set aside £30,000 towards the repairing of the buildings. Accommodation was to be provided for eight hundred students. The Premier next carried a scheme for the improvement of university education in Ireland by founding the Queen's Colleges for the use of all religious denominations. The measure was denounced as one for the creation of "godless colleges," and although the Catholics discountenanced the colleges, they achieved a fair measure of success.

The Queen's Colleges.

Peel's Coercion Act.

Sir Robert Peel's last Irish measure was the Coercion Bill of 1846. Exasperated by the triumph of Peel's Free Trade policy, the Protectionists ungenerously turned against their former chief, and, joining the Whigs, succeeded in throwing out the Irish bill by 292 to 219 votes. Upon this Sir Robert Peel resigned, and Lord John Russell became Prime Minister. Parliament was dissolved by efflux of time in 1847, and when the new House met in November it was found to consist of 325 Liberals, 226 Protectionists, and 105 Conservative Free Traders.

Irish relief measures.

In consequence of the disastrous potato famine in Ireland, which was followed by wholesale emigration, the Whig Government introduced a series of relief measures in 1847, and made a grant of £10,000,000. The corn and navigation laws were suspended, the proposed legislation with regard to encumbered estates was postponed, and an act amending the poor-law was passed,

by which the land was compelled to provide for the relief of its own pauperism. By the irony of fate, soon after the new Parliament met, the Government were obliged to introduce a Coercion Bill for Ireland very similar to that for which Sir Robert Peel was turned out. During the discussion of this measure Sir Robert said, "The best reparation that can be made to the last Government will be to assist the present Government in passing this law"; and it was carried through by large majorities. Owing to fears of rebellion, the laws relating to high treason were extended in 1848 by the passing of the Treason Felony Act, under which writing or speaking with a view to excite sedition was constituted a new crime called treason felony, punishable by penal servitude. The act was made applicable to Ireland. The leaders of the Young Ireland party—Mitchel, Smith O'Brien, Meagher, and Gavan Duffy—were arrested. Mitchel had gone further than the rest of the accused, and had founded the *United Irishman*, which openly advocated rebellion. Mitchel was convicted of treason felony, but Smith O'Brien and Meagher were discharged without a verdict. As Government received information of a plan for rescuing Mitchel and anticipating the trial of Gavan Duffy, a bill to suspend the Habeas Corpus Act in Ireland was hurried through Parliament towards the close of July. The attempt at insurrection was suppressed, the leaders were arrested, and O'Brien, Meagher, and others were convicted of high treason and condemned to death, Gavan Duffy being discharged. The death sentence was commuted to transportation for life, but the condemned refused to accept the respite, declaring that their own assent was necessary. The law officers of the Crown denied the force of the objection, but, to put the matter beyond controversy, a bill was passed through Parliament declaring the Queen's power of pardon in cases of high treason to be absolute.

Treason Felony Act.

The Encumbered Estates Court was established in 1849, in accordance with a statute passed to facilitate the sale of encumbered estates in Ireland. It constituted

Encumbered Estates Act.

a court to which landlords of such estates might apply to direct the sale; and, although it did not achieve all the good results anticipated, the principle upon which the court was founded was a wise one, creating as it did an indefeasible Parliamentary title and strengthening the position of the landlords. In the course of ten years the court made 3,457 sales, producing a sum of £25,190,839. It was superseded in 1859 by the Landed Estates Court, which dealt also with unencumbered estates. The Irish poor-law was again amended in 1849 by a statute for the better administration of the previous laws. The workhouse test and the principle of the English poor-law were to be strictly applied, and any pecuniary deficiency was to be supplied either by the "rate in aid," by a fresh grant from Parliament, or from the sources available before the passing of the poor-law of 1837.

The Poor-law.

Irish Tenant League.

In 1850 the Irish Tenant League, including men of all parties, was formed. Under its influence fifty tenant-right advocates were elected to Parliament, and in the session of 1852 Mr. Sharman Crawford's bill to secure and regulate the tenant-right of Ulster was introduced. It proposed to secure compensation for improvements and to limit the power of eviction in certain cases. The measure was thrown out on the second reading by 167 to 57. In the succeeding year two prominent members of the League, Messrs. Sadleir and Keogh, joined the Aberdeen Ministry. The old sectarian rivalry then broke out in Ireland, and the influence of the League dwindled away. In 1856 Mr. Edward Miall's motion in favour of Irish Church disestablishment was rejected in the House of Commons by 163 to 93. The Phœnix Society was established in 1858 by O'Donovan Rossa, to ensure the separation of Ireland from the English crown; Rossa and others were captured, tried, and condemned, but afterwards released.

The Irish Church.

The Phœnix Society.

Landlord and Tenant Act.

Parliament passed an act in 1860 to base the relation of landlord and tenant in Ireland on contract, and not on tenure. It was contemplated by this act to substitute for the principles of the common law or custom as affecting

the relations between landlord and tenant a hard-and-fast line of contract, thus compelling the tenant, either as to duration of tenancy or compensation, to be dependent upon an expressed or implied contract.

The Fenian rising.

The Fenian conspiracy was the most serious, as well as the most criminal, Irish movement during her Majesty's reign. The Fenian Brotherhood, which had for its object the severance from England and the establishment of an Irish republic, originated, it is believed, in 1858, both in Ireland and the United States. In 1865 the Irish Government became aware of the treasonable practices of the Fenians, and a great number of persons were arrested in Dublin and Cork, while the *Irish People*, O'Donovan Rossa's journal, was confiscated. Stephens, the "Head Centre," was among the prisoners, but he escaped. A commission was appointed to try the other prisoners, and many of them were sentenced to penal servitude. In February 1866 a bill suspending the Habeas Corpus Act in Ireland was rapidly passed through both Houses of Parliament. There was an abortive Fenian raid into Canada in the summer, and in the spring of 1867 there was a similar abortive insurrection at home. It began at Chester, where it was defeated by one of the conspirators revealing the plot. There were risings in Ireland, but all were suppressed. In September, 1867, there was a rescue of Fenian prisoners at Manchester, when Sergeant Brett was killed; and the following December witnessed a daring attempt to rescue a prisoner in Clerkenwell Gaol. An effort was made to blow up the prison, and twelve lives were lost. There were subsequent Fenian raids in Canada, but all were suppressed.

Mr. Gladstone and the Irish Church.

While supporting all measures for the repression of treasonable and criminal attempts, Mr. Gladstone came to the conclusion that the time had arrived for the removal of many legitimate grievances in Ireland. Accordingly he initiated his course of remedial legislation in the session of 1868 by moving resolutions declaring the necessity for the disestablishment of the

CHAP. III. Legislation under Queen Victoria.

Irish Church. On April 13th, after a four days' debate, the first resolution was carried by 330 to 265 votes. Such a severe defeat, following upon one on a motion by Lord Stanley to remit the question of the Irish Church to a new Parliament, ought to have resulted either in the resignation of Ministers, or an appeal to the constituencies. Mr. Disraeli did not immediately adopt either course, but agreed to appeal to the country in the autumn. In a wholly unnecessary manner the Premier brought the name of the Queen into the controversy, for which he was severely rebuked by Mr. Bright, who said that "the Minister who put his sovereign into the front of a great struggle like this was guilty of a very high crime and great misdemeanour against his sovereign and against his country." An Irish Church Suspensory Bill was next carried by Mr. Gladstone, but it was defeated in the Lords by a large majority. The last Parliament elected under the Reform Act of 1832 was dissolved in the autumn, and the elections resulted in the return of an unparalleled Liberal majority, the numbers being—Liberals, 393; Conservatives, 265. Mr. Disraeli resigned office on December 4th, and Mr. Gladstone became Premier. His Ministry was a very strong one, and it included, amongst others, Mr. Bright as President of the Board of Trade.

The Suspensory Bill.

Mr. Gladstone in office.

The Irish Church Disestablishment Act.

On March 1st, 1869, Mr. Gladstone introduced his measure for the disestablishment and partial disendowment of the Irish Church. His speech was one of remarkable eloquence, and the debates which followed were worthy of the finest traditions of the House of Commons. The bill passed its second reading by 368 to 250, and its third reading by 361 to 247. The measure encountered fierce opposition in the Lords, but the second reading was carried in July by 179 to 146 votes, and the bill finally passed shortly afterwards. The Irish Church Act was one of the greatest and most comprehensive statutes ever associated with the name of a statesman. Its leading provisions were as follows: the Church was disestablished and became a

free episcopal Church, governed by a synod of clergy and laity; the old ecclesiastical courts were abolished; the Irish bishops ceased to have seats in the House of Lords; the Maynooth grant to the Catholics and the *Regium Donum* to the Presbyterians were commuted; the fabrics of the churches and cathedrals were handed over to the new Church; all private endowments given since 1660 were likewise handed over to the new Church: the clergy and officials attached to the Church were compensated for their life-interest; and the remaining funds were to be applied, at the discretion of the Government of the day, to the relief of unavoidable suffering.

Land Act of 1870.

Mr. Gladstone next addressed himself to another very complicated question: the reform of the Irish land laws. While it was his object to legislate as far as possible in accordance with Irish ideas, he was also obliged to study economy and the rights of the landlords. On February 5th, 1870, he brought forward the Irish Land Bill, his explanatory statement being of the most elaborate character. The second reading was carried by the extraordinary majority of 442 to 11, and after prolonged discussions in committee the bill went to the Upper House. Here also it was considered at great length, but the measure ultimately passed, and received the royal assent on August 1st. By this first important Irish Land Act, the Ulster tenant-right and similar customs in other parts of Ireland received a legal status; new rights were conferred on tenants with reference to compensation for disturbance by the act of the landlord, except in the case of eviction for non-payment of rent; compensation was granted for improvements; and facilities were given for the loan by Government of two-thirds of the purchase-money to tenants desirous of buying their holdings from landlords who were willing to sell. The Act did not bring about all the improvement desired, as landlords frequently defeated its object by contracting themselves out of it. While the Land Bill was before Parliament it was found necessary to pass the Peace Preservation (Ireland) Act, for the suppression of disorder. The

Peace Preservation Act.

CHAP. III. Legislation under Queen Victoria.

powers of the police and the justices were enlarged, the use of firearms was prohibited in proclaimed districts, and authority was given to the Government to suppress newspapers.

Home Rule League.

In the autumn of 1870 the Home Government Association, afterwards known as the Home Rule League, was founded in Ireland. Mr. Isaac Butt was the first Parliamentary leader of the movement, which had for its object the establishment of a Parliament in Dublin, with absolute control over all matters relating to the internal affairs of Ireland.

Irish University Education.

Mr. Gladstone's Government, which had been declining in popularity for some time back, owing to a variety of causes, essayed to deal with the question of Irish University Education in 1873. In February the Premier unfolded his scheme in great detail and with much eloquence, and for a time it seemed as though the Irish University Bill would be added to his other legislative triumphs. The measure proposed to combine Trinity College, Dublin, Maynooth, and the colleges of Cork and Belfast into a new university, capable of granting degrees : to hand over the Theological Faculty of Trinity College, Dublin, to the Free Episcopal Church ; to exclude theology, moral philosophy, and history from the curriculum of the new university ; to create for the university a governing body nominated in the first instance by the act, but ultimately by the Crown, the council, the senate, and the professors jointly ; and, finally, to provide the funds of the new university partly from existing funds and partly from fees and Government aid. There was a combination against the measure, however, of Roman Catholics, Conservatives, and discontented Liberals, and the bill was lost on the second reading by 287 to 284. Mr. Gladstone resigned, but, as Mr. Disraeli declined to take office, he returned to power with a reconstituted Ministry. Nevertheless, as we have seen in a previous section, the Gladstone Government ultimately went out of office in February 1874, when a new Parliament was returned, consisting of 350 Conservatives, 244 Liberals,

and 58 Home Rulers. The retiring Government had passed more great measures during its term of office than any other Ministry ever carried during a similar period.

Several other incidents of moment to Ireland occurred from 1869 to 1877. In the former year O'Donovan Rossa was elected for Tipperary, but his election was declared void, no felon being eligible. Mr. Fawcett carried a bill in 1873 for the abolition of religious tests at Dublin University. In July 1874 Mr. Butt's motion on Home Rule was rejected by 458 to 61. In 1875 John Mitchel, who was convicted of treason in 1848, and who had escaped from Tasmania, was re-elected member for Tipperary; but the election was held void, on the ground that a felon cannot sit in the House of Commons, and the Dublin Court of Common Pleas assigned the seat to the defeated candidate, Captain Moore. This same year witnessed a renewal of the Peace Preservation Act and the Westmeath Act for the protection of life and property. In April, 1877, Mr. Shaw's motion for a select committee to inquire into the causes of the demand for Home Rule was rejected by 417 to 67.

O'Donovan Rossa.

Religious tests.

John Mitchel.

Home Rule.

A resolute band of Irish Nationalist members now set itself to force attention to the claims of Ireland by a system of persistent obstruction of all business in the House of Commons. This body was under the leadership of Mr. Charles Stewart Parnell, a descendant of Sir John Parnell, and Mr. Biggar was one of its prominent members. Their action brought matters to a crisis in the session of 1877. During the debates on the South African Bill, the manœuvres were carried to such a pitch by obstructive divisions that, at the instance of Sir Stafford Northcote, the House passed new rules of procedure to the effect that when a member has been twice declared out of order by the Speaker or by the Chairman of Committees, a motion may be made that the member be not heard during the remainder of the debate, and after the member complained of has been heard in explanation, it be put to the vote without further debate; also that no member should move to report

Nationalists in Parliament.

Obstruction.

CHAP. III. Legislation under Queen Victoria.

progress, or that the Speaker do leave the chair, twice in the same committee. Nevertheless, on July 31st, when the South African Bill was still being discussed, Mr. Parnell and his friends kept the House in continuous session for twenty-six hours, and only the threats of Sir S. Northcote to put the new rules in force induced the obstructives to yield. On April 12th, 1878, another exciting scene took place. Mr. O'Donnell made a violent attack upon the character of the murdered Earl of Leitrim, and the House was cleared of strangers. Great disorder marked the secret sitting, and the quarrels and recriminations amongst the Irish party were such as to cause Mr. Butt's retirement from the leadership. Obstruction continued to be used by the Irish members in regard to other measures, such as the Army Discipline Bill.

Exciting scene.

Irish University Act.

The Government brought forward and passed an Irish University Act in 1879. By this act an examining body was created, with power to confer degrees upon all approved persons irrespective of their place of education; these graduates, with the existing graduates of the Queen's University, were to form the convocation of the new university; and the senate of the new university were empowered to frame a scheme of exhibitions, prizes, and fellowships, and to ask Parliament to make a grant for their support.

The Land League.

The Irish Land League was formed in October 1879 by Mr. Michael Davitt, and an anti-rent agitation was set on foot in Ireland. Davitt and three other leaders were arrested, but released on bail. During the ensuing winter there was severe distress both in England and Ireland. When Parliament met in February, 1880, Mr. Parnell moved an amendment to the Address. The Irish members, however, so protracted the debates on the Address and on the Government bill for the relief of distress in Ireland, that a resolution was passed enabling the House to suspend any member named by the Speaker as guilty of wilful obstruction, and ordering that if a member be suspended three times in one session, his

suspension should continue for a week and as much longer as the House should determine. The Relief of Distress Act for Ireland was then carried through.

Dissolution of 1880.

Lord Beaconsfield startled the nation by his letter written on March 8th, 1880, to the Duke of Marlborough, Lord Lieutenant of Ireland, announcing an immediate dissolution of Parliament. The Premier charged his opponents with endeavouring to disintegrate the empire, and he insinuated that there was complicity between the Liberal party and the Home Rulers and Repealers. The elections gave Mr. Gladstone a majority over the Conservatives and Home Rulers combined, the numbers in the new Parliament being—Liberals, 349 ; Conservatives, 243; Home Rulers, 60. Lord Beaconsfield resigned, and Mr. Gladstone again became Prime Minister. When the House of Commons met, the Government announced their intention of not renewing the Irish Peace Preservation Act. But they brought in and passed a second Relief of Distress Act for Ireland. One of the original clauses of this act, known as the compensation for disturbance clause, allotted to tenants evicted for non-payment of rent the compensation due to them had they left for other causes, and its operation was limited to the years 1880 and 1881. The clause was carried in the Commons by 303 to 237, but it was rejected in the Lords by 282 to 51.

Mr. Gladstone becomes Premier.

Relief Act.

No-rent agitation.

A serious agitation was set on foot in Ireland in the autumn of 1880 in consequence of evictions for non-payment of rent. The movement was organised by the Land League, and many agrarian outrages followed. Mr. Parnell and others were prosecuted for conspiracy in inciting to breaches of the law, but in this Irish State trial the jury could not agree upon a verdict, and were discharged.

Suspension of Irish members.

Early in the session of 1881 Mr. Forster, as Irish Secretary, introduced the Protection for Life and Property (Ireland) Bill. On February 2nd, after a sitting of forty-one hours, marked by great obstruction, the Speaker declared that a new and exceptional course was

CHAP. III. Legislation under Queen Victoria.

necessary, and at once put the first reading of the bill, which was carried. Next day thirty-six Irish members, who defied the Speaker's authority, were one by one suspended and excluded from the House. Resolutions were next carried giving the Speaker special powers to restrict discussion when "urgency" had been voted in debate. Eventually the Protection of Life and Property Bill and the Peace Preservation (Ireland) Bill were both carried.

Irish Land Act, 1881.

In April Mr. Gladstone introduced his second great Irish Land Bill. It passed the Commons, and, after some amendments in detail by the Lords, received the royal assent on August 23rd. This act provided that any existing tenant might sell his interest in his holding to the highest bidder, and that the purchaser acquired all the rights of the seller as a present tenant. Every present tenant or his assignee had the right to apply to a court to fix a judicial rent, subject to statutory conditions. This judicial rent could not be altered for fifteen years, nor could the tenant be disturbed, except by his own act. At the end of fifteen years the tenant could apply for another term, subject to revision of rent. The breach of any of the statutory conditions involved the determination of the existing tenancy by compulsory sale, and the new tenant came in without the rights of a present tenant. Future tenants were those who entered into tenancies not then existing. In addition to these main provisions, there were clauses giving special safeguards. For example, English-managed estates were exempted from the act; and a landlord might object to a new tenant, while he had also rights of pre-emption and resumption under conditions to be judged by the court. Further, there were provisions for the establishment of peasant proprietors, of perpetual leaseholders on fee-farm rent, for assisting emigration, and for the benefit of the labourers. In the session of 1882 the House of Lords, by 96 to 53, appointed a committee to inquire into the Irish Land Act and its effect on the condition of the country; but, on the motion of Mr. Gladstone, the

Commons condemned the Lords' committee by 300 to 167.

Mr. Parnell and other members of the Land League were arrested on October 13th, 1881, and five days later the No-Rent manifesto was issued by the League. On the 20th the Government proclaimed the Land League as an illegal and a criminal association. In May 1882, however, Mr. Gladstone announced that Messrs. Parnell, Dillon, and O'Kelly had been released from Kilmainham gaol, and that a measure was to be brought in to strengthen the law and remove the difficulties in the way of the administration of justice. It was alleged that a compact, known as the Kilmainham Treaty, had been made with Mr. Parnell, who had promised to use his influence towards the diminution of agrarian crime. Disapproving of the release of the Irish members, the Lord Lieutenant and the Irish Chief Secretary, Lord Cowper and Mr. Forster, resigned. On May 6th England was filled with sorrow and indignation by the news of the assassination of the new Irish Secretary, Lord F. Cavendish, and the Permanent Secretary, Mr. Burke, in the Phœnix Park, Dublin. Government now introduced a Prevention of Crimes Bill of a very stringent character, and during the debates successfully defended themselves with regard to the alleged Kilmainham Treaty. Mr. Parnell and other Irish members expressed their detestation of the murder of Lord F. Cavendish and Mr. Burke, but they strenuously opposed the Crimes Bill. After an all-night sitting on June 30th, twenty-five Irish members were suspended for obstructing the passage of the bill through committee. The measure passed, and on July 12th received the royal assent.

Arrest of Mr. Parnell.

His release.

Assassination of Lord F. Cavendish.

Crimes Act.

The Irish Arrears Bill was another important measure introduced by the Premier this session. The bill adopted the principle of gift and compulsion instead of that of loan and voluntary arrangement, and proposed to give either landlord or tenant power to apply to the Land Court, under certain conditions, for carrying out a composition with the aid of public funds. Lord Salisbury

Irish Arrears Act.

CHAP. III. Legislation under Queen Victoria.

endeavoured to deprive the tenant of the right to apply to the court without the landlord's consent. The House of Lords at first accepted this amendment, but, as the Government declared that it would be fatal to the bill, the Lords gave way, a collision between the two Houses was averted, and the measure became law. In the session of 1883 Mr. Parnell brought forward a bill to amend the Irish Land Act of 1881. It was opposed by the Government as a virtual reconstruction of the previous act, in which they could not concur, and the bill was rejected by 250 to 63 votes. Early in 1884 the Irish Nationalists revived the Land League under the name of the National League, and Mr. Parnell was elected its president.

Mr. Parnell's Land Bill.

Irish affairs.

As this work closes with the extension of the suffrage in Great Britain and Ireland under the reform measures of 1884-5, subsequent legislation for Ireland, as well as the efforts to secure Home Rule, do not come within our purview.

VII. FOREIGN POLICY.

Lord Palmerston's policy.

Lord Palmerston was our Foreign Minister when the Queen ascended the throne, and when Lord Melbourne's Government fell in 1841 he was the only member of it whose reputation stood higher than when it acceded to office. His policy, which by good fortune was as successful as it was daring, procured him respect, if not fear, abroad. Having in 1834 concluded a treaty by which England and France combined to secure the peace of the Peninsula and to support constitutional government in Spain and Portugal, he next turned his attention to Egypt. Regarding the revolt of Mehemet Ali in Egypt as a grave menace to the integrity of the Turkish empire, in 1835 and 1839 he would have interfered with arms in defence of the Porte, but his colleagues restrained him. However, in 1840 he entered into a league with the Northern Powers, and brilliantly carried through the Syrian war, suppressing Mehemet Ali. With restless activity he intrigued against Russia in Afghanistan,

and undertook a war with China, which resulted in the cession of Hong Kong to England. It was feared that he would embroil England with the European Powers, but his skill and courage brought him through many a crisis which would have overwhelmed almost any other foreign Minister. In 1841 he went out with the Whig Government, and remained in comparative retirement for some years.

Policy of Lord Aberdeen.

Lord Aberdeen, who succeeded Palmerston at the Foreign Office, was a more pacific Minister. He brought to a close the Chinese war, and, with the aid of Lord Ellenborough, reduced Afghanistan and annexed Scinde. Under Lord Aberdeen's auspices, Alexander Baring, afterwards Lord Ashburton, concluded in 1842 the famous Ashburton Treaty with the United States. This treaty settled the vexed north-west boundary question and other questions which threatened to involve the two countries in war. The frontier line between the State of Maine and Canada was definitely agreed to. Seven-twelfths of the disputed territory, and the British settlement of Madawaska, were given to the United States; but England secured a better military frontier, as well as the heights commanding the St. Lawrence, which the King of Holland had previously assigned to the Americans. Provisions were also included for suppressing the African slave trade and for the mutual extradition of criminals. Lord Aberdeen further settled the difficult question of the Oregon boundary by concluding the Oregon Treaty of 1846. In the previous year he had stated in Parliament that he had good hopes of a settlement with the United States, but shortly afterwards President Polk came into office, and in his inaugural address distinctly claimed Oregon as part of the United States. Sir Robert Peel replied in the House of Commons with a spirited speech, and war seemed imminent. However, Lord Aberdeen transmitted a proposition for a settlement, which preserved for England Vancouver's Island and the adjacent islands and inlets, and this proposition was eventually accepted by the United States.

The Ashburton Treaty.

The Oregon Treaty.

CHAP. III. Legislation under Queen Victoria.

The territory was equitably divided between the two countries, the north-west frontier being defined along the mainland to the coast. In the channel which separates the continent from Vancouver's Island, however, lies the island of San Juan. A difficulty subsequently arose as to its possession, and the matter being referred in 1872 to the Emperor of Germany, he gave his award in favour of the United States. Lord Aberdeen further satisfactorily arranged the quarrel between France and England with respect to Tahiti and Queen Pomare. Yet, although his policy generally saved much bloodshed, it was attacked on the ground of being too pacific.

Palmerston's European policy.

When Lord John Russell came into power in 1846, Palmerston returned to the Foreign Office. His policy again caused great solicitude at home and abroad. He was outwitted with regard to the Spanish marriages, which were carried through by the influence of France, but he took his revenge by making Paris the centre of intrigues against the French king, thus accelerating the Revolution of 1848. Lord Palmerston was in sympathy with all the risings in Europe. He hated Austria, was a warm friend of the Italian nationalists, and even actively assisted the Sicilian insurgents against the King of Naples. Twice in 1849 he defended his policy with great spirit in the House of Commons, on the latter occasion observing, "There are two objects which England ought peculiarly to aim at—the one is to maintain peace; the other is to count for something in the transactions of the world."

Difficulty with Greece.

In 1850 Lord Palmerston's arbitrary conduct with respect to Greece led to some of the finest debates which have ever taken place in the House of Commons. The causes of the difficulty were comparatively unimportant. Mr. Finlay, a British subject, complained that a piece of his land had been incorporated in the royal garden, and the price he set upon it refused. Don Pacifico, a Maltese Jew, complained that his house had been sacked by a mob, and compensation refused. Instead of the claims of the aggrieved parties being pursued in the ordinary legal course, Lord Palmerston made a direct national

claim upon the Greek Government. Redress being delayed, he sent a fleet to the Piræus, and Greece was obliged to submit. On the motion of Lord Stanley, the House of Lords condemned these proceedings by a majority of 37. In the Commons Mr. Roebuck brought forward a vote of confidence in the foreign policy of the Ministry, and upon the issue of the debate depended the continuance of the Government in office. The Foreign Secretary had opposed to him nearly all the great orators of the House: Sir Robert Peel, Mr. Gladstone, Mr. Disraeli, Mr. Cockburn, and Mr. Cobden. In a masterly speech of five hours' duration, Palmerston energetically defended his policy, and challenged the verdict of the House whether the principles which had guided the foreign policy of her Majesty's Ministers had been proper and fitting, and whether, as a subject of ancient Rome could hold himself free from indignity by saying, "*Civis Romanus sum*," a British subject in a foreign country should not be protected by the vigilant eye and the strong arm of the Government against injustice and wrong. The motion of confidence was carried by 310 to 264.

The Queen and Lord Palmerston.

But the independence of Lord Palmerston in managing foreign affairs entirely at his own discretion drew upon him a severe rebuke from the Queen. Her Majesty complained to Lord John Russell that important despatches had been sent off without her knowledge, and she communicated the following memorandum to Lord Palmerston:—"The Queen requires, first, that Lord Palmerston will distinctly state what he proposes in a given case, in order that the Queen may know as distinctly to what she is giving her royal sanction; secondly, having once given her sanction to a measure, that it be not arbitrarily altered or modified by the Minister. Such an act she must consider as failing in sincerity towards the Crown, and justly to be visited by the exercise of her constitutional right of dismissing that Minister. She expects to be kept informed of what passes between him and the foreign Ministers before

CHAP. III. Legislation under Queen Victoria.

important decisions are taken based upon that intercourse, to receive the foreign despatches in good time, and to have the drafts for her approval sent to her in sufficient time to make herself acquainted with their contents before they must be sent off." Lord Palmerston did not resign upon this reprimand, but in December 1851 Lord John Russell summarily dismissed him from his post for his general intractability, and for having, in particular, after the *coup d'état* of December 2nd, assured Louis Napoleon of the support of the British Government without having consulted his colleagues. In the course of two months the dismissed Foreign Secretary turned the tables upon his late chief. The Government having brought in a Militia Bill in February 1852, in consequence of the reported hostile designs of Napoleon III., Lord Palmerston succeeded in overthrowing the measure by 136 to 125 votes. Lord John Russell resigned, and the brief administration of Lord Derby succeeded.

Palmerston dismissed.

Lord Aberdeen's Ministry.

Lord Aberdeen became Prime Minister in December 1852, and formed his celebrated Coalition Government of Whigs and Peelites. It contained an extraordinary number of talented men, including Lords Aberdeen, Cranworth, Palmerston, Russell, Canning, Clarendon, Granville, and St. Germans; Sir A. Cockburn and Sir R. Bethell; the Duke of Argyll; Mr. Gladstone, Mr. Sidney Herbert, Sir James Graham, Mr. Cardwell, Mr. Lowe, and Sir Charles Wood. England soon "drifted" into the Crimean war, and declared hostilities against Russia. The management of the war, especially in the commissariat department, brought great odium upon the Government, and there were also dissensions among themselves. Lord John Russell resigned on the ground that Mr. Roebuck's proposed vote of censure could not be honestly met. In February 1855, Mr. Roebuck brought forward his motion for a select committee to inquire into the condition of the army before Sebastopol, which was carried by no less than 157 votes: 305 to 148.

The Crimean War.

Lord Aberdeen resigned, and as neither Lord John Russell nor Lord Derby could form an administration, Lord Palmerston became Prime Minister. He brought the War to a successful conclusion, and the Treaty of Paris was signed March 30th, 1856. A treaty of peace between England and Persia was concluded in the following year. But Lord Palmerston sustained a severe check in his Chinese policy. A lorcha called the *Arrow*, showing British colours, had been seized by the Chinese. The British Government resorted to severe measures, for which they were condemned by their political opponents, on the ground that the *Arrow* was not a vessel deserving of British protection. In March 1857, Mr. Cobden brought forward a motion condemning the violent proceedings of the Government in China, and it was carried after an exciting debate by 263 to 247 votes. Lord Palmerston appealed to the country, and came back greatly strengthened, while his principal opponents, Mr. Cobden, Mr. Bright, and Mr. Milner Gibson, lost their seats. The French Emperor, whom Lord Palmerston had supported, was destined to be the cause of his fall. Early in 1858 Orsini made a futile attempt to assassinate Napoleon III., and great irritation ensued in France against England for harbouring assassin refugees. Corresponding indignation was felt in England owing to the threats of French officers and others. Nevertheless, in consequence of Orsini's attempt, Lord Palmerston brought in a Conspiracy to Murder Bill, making conspiracy to murder a felony punishable with penal servitude for five years. The bill passed its first reading in the House of Commons by a large majority, but before the second reading came on a feeling gained ground that the Premier was simply carrying out the behests of the French Emperor. Accordingly, after a lengthy debate, the Government were defeated, on an amendment by Mr. Milner Gibson, by 234 to 215 votes.

Palmerston Premier.

The Chinese difficulty.

The Conspiracy to Murder Bill.

Lord Palmerston resigned, but returned to power on June 30th, 1859. England remained neutral during the war between France, Italy, and Austria. Parliament

Palmerston's later policy.

CHAP. III. Legislation under Queen Victoria.

supported the Premier in an expenditure of £9,000,000 on the fortifications of the southern coast, in view of a possible war with France. Neutrality was preserved during the American Civil War, but the English Government exacted reparation for the forcible seizure of the Confederate commissioners, Messrs. Slidell and Mason, when under British protection, on the West India mail steamer *Trent*. In 1864, during the Schleswig-Holstein imbroglio, Lord Palmerston unsuccessfully pressed France and Russia to join him in enforcing the Treaty of London, which guaranteed the integrity of Denmark. He was not opposed, however, to the development of Germany. Lord Palmerston died on October 18th, 1865.

Lord Granville Foreign Secretary.

Lord Granville was Foreign Secretary from the death of Lord Clarendon in 1870 to 1874. During his tenure of the Foreign Office, a peaceful settlement was effected of the Alabama claims. He also arranged the treaty between England, France, and Prussia guaranteeing the independence of Belgium; and he confirmed with Prince Gortschakoff the agreement that Afghanistan should form an intermediary zone between the Eastern territories of England and Russia.

The Eastern Question.

In Lord Beaconsfield's Administration of 1874 Lord Derby was Foreign Secretary until April 1878, when he was succeeded by Lord Salisbury, who held the office until the fall of the Government in the spring of 1880. When the Eastern Question assumed prominence, Lord Derby declined to countenance the measures of reform which during 1876 the Powers wished to force upon the Porte, first in the Andrassy Note and then in the Berlin Memorandum. But he addressed a strong remonstrance to the Porte on the subject of the Bulgarian atrocities, and demanded the punishment of the offenders. He consented to the Constantinople Conference of December 1876, when proposals of reform were made to Turkey which were forestalled by the proclamation of a Parliamentary constitution. The Conference failed, and our representative, Lord Salisbury, returned to England. Early in 1877 Lord Derby agreed to a European Protocol

on Turkish affairs, but it led to no results. When the British fleet was ordered to Constantinople in January 1878, Lord Derby threatened to resign, and the order was countermanded ; but when a vote of credit of £6,000,000 was demanded from Parliament, and the fleet was despatched after all, Lord Derby resigned (March 28th, 1878). On April 16th the House of Commons was assured that nothing existed to disturb the public tranquillity, but on the following morning the announcement was made that the Indian troops had been ordered to Malta. This was a strictly unconstitutional proceeding, but Lord Hartington's motion condemning it was rejected by 347 to 226. Lord Salisbury compelled a reconsideration of the Treaty of San Stefano, and in June 1878, accompanied Lord Beaconsfield to the Berlin Congress. He arranged the Anglo-Turkish Convention, by which England agreed to defend the Sultan's possessions in Asia Minor against Russian aggression, receiving in exchange the island of Cyprus as a military and naval station. In July the Treaty of Berlin was signed, and the Premier and the Foreign Secretary returned to England, bringing back, according to the statement of the former, "peace with honour." War broke out with Afghanistan in December 1878, but a vote of censure on the Afghan policy of the Government was lost in the House of Commons by 328 to 227. England was successful in Afghanistan, but sustained reverses in South Africa. Strong and persistent condemnation by Mr. Gladstone of the foreign policy of Lord Beaconsfield sapped the popularity of his Government ; and his lordship ultimately went out of office in April 1880.

Resignation of Lord Derby.

The Berlin Congress.

Lord Beaconsfield's policy condemned.

Lord Granville was Foreign Minister in Mr. Gladstone's second Administration, 1880-85. He displayed considerable diplomatic skill in matters relating to the occupation of Tunis, the unfulfilled portions of the Treaty of Berlin, and the revolt of Arabi Pacha in Egypt. Mr. Bright left the Ministry in July 1882, in consequence of the determination to bombard Alexandria. Lord Granville issued a circular note to the Powers on

Foreign policy, 1880-85.

CHAP. III. Legislation under Queen Victoria.

Egyptian reforms, and in 1884 convened a conference on Egyptian finance, which proved abortive, owing to the hostile attitude of France. Troubles in the Soudan, culminating in the melancholy death of General Gordon, difficulties with Germany in consequence of Prince Bismarck's colonial schemes, differences with France, and the threatened rupture with Russia over the demarcation of the Afghan boundary, caused Lord Granville much solicitude. Frequent discussions on these topics arose in both Houses of Parliament. In the Lower House the Government succeeded in repulsing their opponents in several crucial divisions; but in June 1885 they were defeated on a Budget question, and went out of office.

VIII. General Legislation.

Criminal Law reform.

The first important act of the reign was a beneficent one, having for its object a reform of the criminal law. By this statute, passed in June 1837, numerous remissions of capital punishment were effected, on the recommendation of the Criminal Law Commission. The death penalty was removed from all but the following offences: high treason, murder, attempt to murder, rape, arson, piracy, burglary, and robbery when attended by circumstances tending to endanger life. The use of the pillory was wholly abolished, and counsel were allowed to prisoners. No fewer than a hundred and eighty-seven capital offences had been created from the Restoration to the death of George IV., but great inroads were made upon this barbaric code, first by Romilly and then by Sir James Mackintosh.

Church reforms.

In 1838 Church reforms were effected by the Pluralities Act, which was passed to sweep away many of the abuses caused by the non-residence of wealthy clergymen at the benefices whose revenues they received. By the Church Discipline Act, 1840, the procedure of the Bishops' Court was reconstituted and regulated. In 1844 Sir Robert Peel carried his plan for the establishment and endowment of Church districts, by which "large and unwieldy parishes, which had given rise to much spiritual destitu-

tion, were gradually broken up." The Clerical Disabilities Act, passed in 1870, provided that a clergyman might execute a deed of relinquishment, which was to be recorded by his bishop in the diocesan registry. After this registration, the priest or deacon was incapable of officiating as such, and lost all his rights as a clergyman.

The Law of Libel

A greatly agitated question touching privilege and the law of libel was set at rest by the cases of "Stockdale *v.* Hansard" (1837-40). Messrs. Hansard were sued for libel for publishing, by order of the House of Commons, a report which described a book published by Stockdale as indecent. The Court of Queen's Bench decided that the order of the House was no justification. Five suits having been brought, and Stockdale and the sheriffs committed by the Commons, an act was passed to the effect that all such actions should in future be stayed on an affidavit that any paper the subject of such proceedings had been printed by order of Parliament. Sir Robert Peel forcibly said during the debates, "Do you believe that slavery would have been abolished unless we had published to the world the abuses and horrors of slavery?" In 1843 the law of libel was amended by Lord Campbell's Act, which allows a defendant to plead that the publication was without his authority and was from no want of care on his part, whilst he may also plead that a libel is true and for the public benefit.

The Scotch Church.

The great controversy in the Scotch Church came to a head in 1843. In the previous year the General Assembly had drawn up two addresses to the Crown, one relating to the encroachments of the Court of Session and the other asking for the abolition of the Church patronage in Scotland. Replying on behalf of the Government, Sir James Graham said it was impossible to admit the claims of the Church to be the sole judge of what was or was not an ecclesiastical question, and therefore beyond the competency of the civil courts. He also said that her Majesty's Ministers could not recommend the total abrogation of the rights of the Crown and other patrons. An appeal was then made to Parliament, but in March

CHAP. III. Legislation under Queen Victoria.

1843 the House of Commons declined by a large majority to entertain the petition of the General Assembly on the vexed question of patronage and the right of the civil courts in spiritual jurisdiction. Two months later followed the great disruption, and the establishment of the Free Church of Scotland.

Mazzini's letters opened.

In the session of 1844 exciting debates took place in the House of Commons on the opening of Mazzini's letters by the Post Office officials. Sir James Graham, the Home Secretary, who had given the order, based his right on statutes of Anne and George III. Mr. Thomas Duncombe, the Radical member for Finsbury, led the attack on the Government. The question was referred to a secret committee, which reported that the power itself was legal, and probably in exceptional cases necessary. The various secretaries were practically acquitted of any misuse of their power, but the action of Sir James Graham was severely condemned in the press.

Welsh riots.

In consequence of the Rebecca riots in Wales, which were directed against the great increase of toll-gates, a commission was appointed to inquire into the causes of the discontent. These were found to be genuine, and in the session of 1844 the whole system of turnpike trusts in Wales was reformed and remodelled.

County Courts.

An act establishing the modern county court was passed in 1846, and this measure has been supplemented by various other acts. A certain number of county court districts were marked out in each county, and the court for the county was directed to be held at short intervals in one or more places within each of the districts. Several districts were grouped in one circuit, and a judge was allotted to each circuit. The judges were to be appointed by the Lord Chancellor from barristers of seven years' standing or upwards. Each judge is assisted by a registrar and other officers.

The Navigation Laws.

Free Trade received an impetus in 1849 by the abolition of the navigation laws, and five years later the whole of the English coasting trade was thrown open to foreign vessels.

A Papal Bull, creating Roman Catholic bishops in England, was issued in September 1850. It caused intense excitement throughout the country, and protests against it showered in upon the Government and Parliament. In the session of 1851, in obedience to the popular sentiment, Lord John Russell introduced the Ecclesiastical Titles Bill, which declared the Papal Bull null and void, and imposed a fine of £100 upon all who endeavoured to carry it into effect. The second reading was carried by the overwhelming majority of 438 to 95, but in the minority were many of the most distinguished members of the House of Commons, including Messrs. Gladstone, Roundell Palmer, Cobden, Bright, Hume, Graham, and Milner Gibson. The measure became law; but although it served as a protest by Protestant England against an obnoxious papal act, legislatively it proved little more than a dead letter, and it was repealed in 1871.

Ecclesiastical Titles Act.

The Victorian Volunteer movement sprang into existence in 1852, but the organization of Rifle corps did not assume large dimensions until 1859, when a strong feeling was roused against France. The Volunteers were regulated and consolidated by various Acts passed in 1860, 1862-3, 1869, and 1870. The movement developed rapidly, and became an imposing means of national defence.

The Volunteers.

In the session of 1857, Lord Palmerston carried, against great opposition, the Divorce Act. It relaxed many of the difficulties which had hitherto prevented all but very wealthy people from obtaining release from irksome and unhappy unions. Mr. Gladstone was especially eloquent in condemning this divorce legislation, on theological, legal, and social grounds.

Divorce Act.

A serious effort to abolish Church rates was made in 1858. The subject had often been mooted, but now Sir John Trelawney actually carried an abolition bill through the Commons, but it was rejected by the Lords. By the year 1859, in consequence of the opposition of Dissenters at vestry meetings, Church rates had been refused in no fewer than fifteen hundred and twenty-five parishes or districts. Trelawney reintroduced his bill

Church Rates.

CHAP. III. Legislation under Queen Victoria.

in 1861, when it was rejected only by the casting vote of the Speaker; in the following year it was lost by one vote; and in 1863 the majority against it was ten. Other unsuccessful efforts were made to deal with the matter, and eventually it was set at rest in 1868 by the passing of Mr. Gladstone's Compulsory Church Rates Abolition Bill, which, however, still permitted voluntary payments.

Jewish Disabilities.

Jews were finally admitted to Parliament in 1858. They had but slowly acquired the privileges of citizenship. Again and again abortive efforts were made to remove their civil disabilities; but in 1845 they were admitted to corporations by Lord Lyndhurst's Act, and in 1846 they were placed as regards schools, places of worship, education, and charities on the same footing as Protestant Dissenters. By a statute passed in 1847 their marriages celebrated before 1845, whose legality was doubted, were pronounced valid. Finally, in 1858, Lord John Russell carried a bill admitting Jews to Parliament. This statute empowered the House to modify the oath required of members by omitting in the case of Jews the concluding words of the oath. Baron Rothschild, who had several times been elected for the City of London, but had been unable to sit, was the first Jew who entered the House of Commons after the passing of the act. But even this statute was only permissive, and in 1866 it was superseded by an act which prescribed a uniform oath to be taken by members of all religious denominations, except Quakers and other separatists, who might claim to affirm. Jews were first admitted to the House of Lords in 1885, when Sir N. M. de Rothschild took his seat as Lord Rothschild. Almost all the high offices of state are now open to the Jews, and they may even present to livings in the Church of England.

Bankruptcy Acts.

The bankruptcy laws were amended in 1861, on the initiative of Lord Westbury, who also projected a great scheme for the codification of the common law, which he was unable to carry through. With regard to legislation affecting bankrupts, Lord Brougham carried an act in

1830-31 establishing a special court of bankruptcy, and an act passed in 1849 made composition by arrangement possible, and rendered fraudulent bankrupts more certainly liable to punishment. By the statute of 1861 the provisions of the Bankruptcy Acts were extended to others besides traders, and the Insolvent Debtors' Court was abolished. A comprehensive act passed in 1869 remodelled the Court of Bankruptcy, and made important changes in the law. The commissioners were abolished, and a chief judge and registrars appointed. County courts were constituted local bankruptcy courts, with an appeal to the chief judge. The creditors were empowered to appoint trustees to take charge of the property, and the bankrupt could not obtain his order of discharge without the consent of a majority of the creditors unless he had paid ten shillings in the pound. Imprisonment for debt was abolished. Liquidation by arrangement was provided for, and all former enactments on the subject of bankruptcy were repealed or consolidated. Mr. Chamberlain's Bankruptcy Act of 1883 enacted severe punishments against fraudulent bankrupts, and abolished the system of trustees, substituting in their place a staff of official receivers appointed by the Board of Trade. Amending acts were passed in 1884 and 1890.

The Cotton Famine.

The cotton famine which ensued upon the American Civil War had very disastrous effects in England. Lancashire especially suffered from the scarcity of cotton, and public and private measures of relief became necessary. The Cotton District Relief Fund, started in July 1862, did noble work, and this was supplemented by a relief act passed by Parliament in 1862, by which loans were granted to the guardians of the poor for the purpose of instituting relief works.

Poor Laws.

The Poor Laws were amended in 1865 by Mr. Villiers's Union Chargeability Act. It practically did away with the former law of settlement by providing that the union fund should hereafter bear the maintenance of all the poor within the union, and by transferring the power

CHAP. III. Legislation under Queen Victoria.

of removal from overseers to guardians and abolishing removability from parish to parish in the same union.

Lord Westbury.

At the close of the session of 1865, the Lord Chancellor, Lord Westbury, resigned the Great Seal, in consequence of an adverse vote of the House of Commons. Although there was no imputation upon his personal honour, he was censured for his action in connection with the retirement of Mr. Edmunds, Clerk to the Commissioners of Patents, and for his lack of discretion in the appointment of the registrar to the Leeds Bankruptcy Court.

The Cattle Plague.

In consequence of the great ravages of the cattle plague, the Home Secretary, Sir George Grey, carried an act in 1866 empowering local authorities to order cattle to be killed and to prevent their removal by road or rail except by licenses, and then only by daylight, during the prevalence of the plague. Powers were granted for carrying out measures likely to check or to crush the disease. Compensation, to be provided by a charge on the county and borough rate, was to be made to those persons whose cattle were killed under the provisions of the act.

The Commander-in-chief.

The royal prerogative which asserted that the Commander-in-chief was the agent of the Crown was abolished in 1870, and that distinguished personage was formally declared to be a subordinate of the Minister of War. In the same year, by an Order of Council, all

The Civil Service.

the appointments in the Civil Service, with the exception of those in the Foreign Office, and posts requiring professional knowledge, were thrown open to competition.

Army reforms.

Army reform was grappled with by Mr. Cardwell, the War Secretary, in 1871-2. The Army Regulation Bill, which was brought in and carried, had the effect of concentrating all the various branches of the military system into a single whole. An act was also passed by which the Crown resumed the authority over the militia, yeomanry, and volunteers, which had formerly been vested in the lords-lieutenant of counties. Mr. Cardwell thus secured the adoption of the principle of localisation of the military forces, the linking of battalions,

and the admission of short as well as long service—the first steps towards the creation of an efficient reserve. Some of the contemplated reforms were not completely developed, however, until a later period. The abolition of purchase was a necessary step in the Ministerial plan, but this was only carried by Mr. Gladstone in the face of powerful opposition. When the army measures went up to the House of Lords, a motion by the Duke of Richmond postponing the purchase clause was carried by 155 to 130. This decision was distasteful to the Commons and to the country, and Mr. Gladstone announced in the Lower House that the Government had advised her Majesty to cancel the royal warrant under which purchase was legal. The Queen had consented to this, and accordingly after November 1st, 1871, purchase in the army would no longer exist. Mr. Disraeli severely condemned the step in the Commons, and a vote of censure was passed in the Lords by a majority of eighty. On the bill returning to the Lower House, however, Ministers were cordially supported, and an opinion was read from Sir Roundell Palmer to the effect that the issue of the royal warrant was undoubtedly within the power of the Crown ; and under all the difficult circumstances of the case, this was the least objectionable course which the Government could pursue. The measure passed, and although opinions were greatly diversified upon the method by which the abolition of purchase was secured, all were agreed in a short time as to the substantial wisdom of the act itself. The work of army reform was continued by Colonel Stanley (afterwards Lord Stanley of Preston), War Minister in Lord Beaconsfield's Administration, and practically completed during Mr. Gladstone's second administration by Mr. Childers's Army Act and Regulation of the Forces Act of 1881.

Abolition of Purchase.

In 1871 the Local Government Board, which superseded and embodied the Poor Law Board of 1847, was constituted. This board exercises supervision over the local taxation returns, areas of parishes, administration of the poor-law, sanitary improvements, baths and wash-

Local Government Board.

CHAP. III. Legislation under Queen Victoria.

houses, vaccination, and the prevention of disease. The President and Parliamentary Secretary are usually members of the House of Commons. There is a similar board for Ireland, but in Scotland the duties are performed by the Secretary for Scotland.

The Licensing Laws.

The English licensing laws have been the subject of frequent discussion, but it was not until the passing of Mr. Bruce's Licensing Act of 1872 that any considerable reform was achieved. That act restricted the issue of new licenses, subjected the liquor traffic to stricter supervision, increased the penalties for misconduct, and shortened the hours within which liquor might be sold. A supplementary modifying act was passed in 1874, since which no radical changes have been made in the laws, though there has been much agitation in connection with local option. In Scotland the Forbes-Mackenzie Act of 1853 introduced a new form of magistrates' certificate, the effect of which was to prohibit the sale of liquor between the hours of 11 p.m. in large towns, or 10 p.m. in the country, and 8 a.m., and during the whole of Sunday. Amending acts were passed in 1862 and 1887. The general law in Ireland is similar to that in England ; but by an act of 1874 six-day licenses were introduced, and in 1878 total closing on Sunday was made part of the law for all Ireland, with the exception of the five largest towns.

Judicature Act.

In the session of 1873 Lord Selborne carried the Supreme Court of Judicature Act, which constituted one High Court of Justice, into which the Courts of Equity and Common Law were consolidated—and a Supreme Court of Appeal. This great measure, which adopted and extended the views of lawyers like Brougham, Westbury, and St. Leonards, practically completed the fusion of law and equity, and established once for all a uniform judicial system.

Patronage in the Scotch Church.

Two important ecclesiastical measures were passed in the session of 1874. By the first, lay patronage in the Established Church of Scotland was transferred from the patrons to the male communicants of each kirk, so

that each congregation could henceforth choose its own minister. The other measure, which closely affected the Church of England, was the Public Worship Regulation Bill, introduced in the Lords by the Archbishop of Canterbury and in the Commons by Mr. Russell Gurney. It was vehemently opposed in the Upper House by Lord Salisbury and in the Lower by Mr. Gladstone, who held it to be destructive of the independence of the Church. It was as warmly defended by Sir William Harcourt and Mr. Disraeli, and the latter lost many Church supporters by describing it as "a measure to put down Ritualism." The chief incidents in the debate in the Commons were a sharp passage of arms between Sir William Harcourt and Mr. Gladstone, and Mr. Disraeli's description of the Marquis of Salisbury as "a great master of gibes and flouts and jeers." The bill eventually passed and became law. Its main object was to empower parishioners to invoke the authority of the bishop, and to enable the bishop to prohibit by his own mandate any practices which he considered improper or else to submit the question to a judge specially appointed to adjudicate in such cases. The law could be put in force whenever three parishioners declared themselves dissatisfied. A new court was erected, to which was transferred the authority of the old Court of Arches, and Lord Penzance was appointed the first judge. The Act, however, has practically failed in its primary object: the suppression of Ritualism.

Public Worship Regulation Act.

In the session of 1875 the House of Commons altered its regulations with regard to the exclusion of strangers. Resolutions were passed to the effect that for the future strangers be excluded, not at the request of a single member, but on the vote of the majority of the House. The Speaker, however, still retained his power of closing the sitting.

Strangers in Parliament.

The Agricultural Holdings Act of 1875 arranged for the compensation of agricultural tenants for unexhausted improvements in cases where landlords and tenants did not object to come under the act. But the measure

Agricultural Holdings Act.

CHAP. III.

Legislation under Queen Victoria.

proved unsatisfactory because the compensation was not made compulsory, and facilities were given for evading by private contract the enactments of the statute. Another act, passed in 1883, gave the agricultural tenant in Scotland a right on quitting his holding to obtain pecuniary compensation from his landlord for the value to the incoming tenant of such unexhausted improvements, most generally made by tenants, as boning, manuring, etc.; but the compensation was not to include what was due to the inherent capabilities of the soil. The act gave many advantages to the tenant, and parties could not contract themselves out of it. Lord Cairns's Land Transfer Act, passed in 1875, permitted holders of land, whether qualified or possessory, to register their titles; but the permissive character of the legislation largely nullified its usefulness.

Shipping legislation.

Acts for the regulation of British merchant shipping were passed at various intervals from 1854 to 1888. These measures consolidated and amended the law as to seamen and their contracts with employers, desertion, provisions, unseaworthy ships, pilotage, signals, deck cargoes, the load-line, life-saving apparatus, etc. The chief of these acts, that of 1876, owed its passing to the self-denying efforts of Mr. Samuel Plimsoll, member for Derby. This statute, which superseded temporary measures passed during three preceding sessions, conferred stringent powers upon the Board of Trade for the overhauling and detention of vessels, and imposed severe penalties upon owners for sending out unseaworthy ships.

International questions.

A considerable amount of legislation was effected during the reign in connection with international questions, and with the slave trade, etc. The *Alabama* case has been adverted to already; but in 1870 the Extradition Act was passed, which empowered the executive to carry out extradition treaties made in accordance with its provisions, viz., that no fugitive should be surrendered for a political offence, nor tried for any but the crime for which he was demanded. Treaties were made under this statute

Extradition Act.

with all the European states (except Russia), and with some others. In 1873 Mr. Richard carried a motion against the Government in favour of a general and permanent system of international arbitration, but no practical result followed. The Naturalisation Act, passed in 1870, enabled aliens to own and to convey all kinds of property, excepting British shipping, under no other restrictions than those which apply to British citizens. A British citizen who became naturalised in a foreign state was to cease to be a British citizen unless within two years he made a declaration of his wish to remain a British citizen. British nationality might be resumed on the performance of the same conditions as were required for the naturalisation of aliens. In 1878 the British government in Cyprus was organised under the powers granted to the Queen and the Privy Council by the Foreign Jurisdiction Acts, 1843 to 1878. Great excitement was caused in England by the issue of the fugitive slave circulars of 1875-6. The first circular, issued on August 21st, 1875, ordered officers to surrender slaves who had escaped on board a British man-of-war, when it was within the limits of the country from which they had escaped, on the demand being supported by the necessary proof. The popular indignation over this circular was so widespread that a new circular was issued in October, which directed that when the personal danger was over the officer was no longer to permit the slave to remain on board. Finally, a royal commission was appointed to inquire into the state of the law, and upon its report a circular of a wholly different and innocuous character was substituted. The Kidnapping Acts forbade the entrapping of children either for reward or to serve some object of the kidnapper; entrapping slaves or men to serve aboard ship was likewise made a felony, together with the detention of native labourers or the carrying them by sea from one country to another contrary to existing provisions. The Consolidation (Slave Trade) Act of 1873 had for its object the carrying into effect treaties for the more effectual suppression of the slave

Naturalisation Act.

Cyprus.

Fugitive Slave circulars.

The Slave Trade.

CHAP. III. Legislation under Queen Victoria.

trade and for all purposes connected with the slave trade. The act was of a most comprehensive character, and included future treaties within its purview. The Territorial Waters Jurisdiction Act of 1878 extended British jurisdiction at sea to such a distance as was necessary for the defence and security of our coasts. The Foreign Enlistment Act of 1870 repealed and superseded the earlier act of the same name of 1819. It followed the general prohibitions of the earlier act against illegal enlistment in the service of a foreign state at war with a friendly state, but it also took precautions of a novel and effective kind against illegal ship-building and expeditions. The act enabled the Government to prohibit the building as well as the escape of *Alabamas*; but the Admiralty were to release suspected vessels on a bond to the effect that they were not to be employed for any illegal work. The Naval Prize Act of 1864 constituted the High Court of Admiralty and all its branches a permanent court of prize, and regulated the procedure in prize cases.

Territorial waters.

Foreign Enlistment Act.

Naval Prize Act.

The Public Prosecutor.

The office of Public Prosecutor was created in 1879, but in 1883 the duties of this office were transferred to the Solicitor to the Treasury. Prosecutions are now generally undertaken by the Treasury or by local authorities, and criminal courts have been empowered to allow costs to prosecutors.

The Bradlaugh case.

The case of Mr. Charles Bradlaugh led to exciting debates in several sessions, and to a remarkable display of oratory on the part of Mr. Gladstone and others. Mr. Bradlaugh was elected for Northampton in 1880. On appearing at the table of the House of Commons he refused to take the Parliamentary oath. As an atheist, he claimed to make an affirmation of allegiance, and after long discussion he was allowed to do so on his own responsibility. It was decided by the courts of law, however, that he was not eligible to make such an affirmation. He next offered to take the oath, but was forbidden, by 286 to 228, "to go through the form of repeating the words of the oath." On February 21st,

1882, Mr. Bradlaugh appeared in Parliament and took the oath upon a copy of the New Testament which he had brought with him. Upon this he was expelled, by 297 to 80 votes, for violating the orders of the House, and a new writ for Northampton was ordered. A long struggle now began between the House and Mr. Bradlaugh. He was thrice re-elected by Northampton, and at length in 1886, having taken the oath, he was permitted to take his seat. Contrary to expectation, he proved a very useful member.

The Burial Laws.

A Burial Laws Amendment Act was passed in 1880, which permitted the burial of Nonconformists and others in Church of England burial-grounds without the service of the Church of England, and in some cases with other services.

Ground Game Act.

The Ground Game Act of 1880, more widely known as the Hares and Rabbits Bill, was carried, after great opposition, by Sir William Harcourt. By this act, an inalienable right was conferred on the occupier to destroy hares and rabbits found upon his land under certain conditions.

Miscellaneous Acts.

In 1881 measures were passed reforming the law of conveyancing and the law of libel as affecting newspapers. The parcel post was established in 1882, and acts relating to electric lighting, Government annuities, and married women's property were passed. Patents were dealt with in 1883, and an act was passed for the encouragement of Irish industry and enterprise.

IX.—Parliamentary Reform.

Reform measures.

The wide extension of the suffrage, with protective measures against bribery, and the provision of facilities for voting at elections, have been important features of her Majesty's reign.

The Ballot.

As early as 1833 Mr. Grote took up the question of the ballot, and he continued to bring forward his motion almost yearly until the year 1839. His speeches were distinguished for their calm and philosophical arguments; but although the minority in favour of the ballot rose

CHAP. III. Legislation under Queen Victoria.

from 106 in 1833 to 216 in 1839, the majority against it rose in the same period from 211 to 333. When Mr. Grote retired from Parliament, Mr. Ward took up the motion, but he was defeated in 1842 by 290 to 157. In 1848 Mr. Henry Berkeley succeeded to the charge, and in that year he managed to snatch a victory for his motion by 86 to 81 votes. The division was a very small one; and when Mr. Berkeley brought on his motion again in 1849, he was defeated by a majority of 51. In 1851, however, he carried his motion, in spite of the opposition of Lord John Russell and the Government, by a majority of 51, but the matter got no further. In 1852 the majority against the ballot was 102, and in 1860 107.

The Septennial Act.

Mr. Tennyson d'Eyncourt made several ineffectual attempts to procure the repeal of the Septennial Act, on the ground that prolonged Parliaments were inimical to popular freedom; but there was a growing indifference amongst members to the subject, and whereas the motion was rejected in 1833 by 213 to 164, in 1837 the division only showed 96 against the motion and 87 for it. Even these numbers were greatly diminished in 1843, when Mr. Sharman Crawford's repeal motion was lost by 46 to 23.

The County Franchise.

In 1839 Sir Hesketh Fleetwood's motion to reduce the county franchise to £10 was rejected by 207 to 81.

Chartist demonstrations.

Large numbers of the working classes, who were disappointed with the results of the Reform Act of 1832, and whose sufferings were great in consequence of the scarcity of work and the dearness of food, formed themselves into Chartist organisations in the fall of 1837. They began to agitate for radical political reforms, and in 1838 their leaders drew up the six points of the People's Charter, namely, manhood suffrage, equal electoral districts, vote by ballot, annual Parliaments, abolition of property qualification for members of the House of Commons, and payment of members of Parliament for their services. The movement excited great enthusiasm, and spread rapidly. Among its leaders were Fergus O'Connor, Ernest Jones, and Thomas Cooper. Most of

the Chartists supported an appeal to moral force only, but a considerable number undoubtedly advocated more violent methods. A national convention met in London, and afterwards in Birmingham, in 1839. A collision with the military took place in the latter city; and public meetings being forbidden by the authorities, alarming riots occurred in various parts of the Midlands. On June 14th, 1839, a monster petition, signed by one million two hundred and eighty thousand persons, was presented to the House of Commons. The petition was temperately discussed, but a motion for referring it to a committee was lost by the overwhelming majority of 235 to 46. The more lawless members of the organisation now resorted to violence, and there were Chartist riots at Birmingham, Sheffield, Newcastle, and other places. A rising at Newport, in Monmouthshire, resulted in the death of ten persons and serious injury to a great many others. Three of the popular leaders—Frost, Williams, and Jones—were tried and transported. In 1842 there were other food and labour riots in the North and in the Midlands, which were aided by the Chartists, though not directly originated by them. Another monster petition was presented to Parliament in 1842, but Mr. Duncombe's motion to allow counsel to be heard in support of it was rejected by 287 to 49. The French Revolution of 1848 revived the hopes of the Chartists. A great meeting was summoned for April 10th at Kennington Common, and it was resolved to carry a Chartist petition, purporting to bear the signatures of five million persons, to the very doors of the House of Commons. The Government took every precaution to guard the City and all the approaches to Westminster; while the Houses of Parliament were filled with police, and the streets protected by one hundred and seventy thousand special constables. The Chartist procession was forbidden, and the demonstration proved a failure. Not more than from thirty to fifty thousand persons assembled, instead of a hundred and fifty thousand. The leaders shrank from a conflict with the authorities, and a heavy rainstorm dispersed the

A monster petition.

CHAP. III. Legislation under Queen Victoria.

agitators. The petition, alleged as above to bear five million signatures, was examined by order of the House of Commons and found to contain only one million nine hundred thousand signatures, though this was the largest number ever affixed to such a document. From this time the Chartist agitation rapidly died out; but it is noteworthy that several points of the charter, which were then held to be wild and revolutionary in the extreme, have since become the law of the land.

Bribery Acts, etc.

Bribery at elections is a subject which has again and again occupied the attention of Parliament. Sudbury, long notorious for its corruption, was disfranchised in 1844, and St. Albans in 1852. Two of the four seats which thus became vacant were assigned to the West Riding of Yorkshire in 1861, and one each to Birkenhead and South Lancashire. The freemen of Great Yarmouth were disfranchised as a body by act of Parliament in 1848, and corrupt practices have been from time to time exposed at Warwick, Stafford, Ipswich, Hull, Barnstaple, Beverley, Nottingham, and other places. To remedy the evils of bribery various measures have been passed during the last fifty years. The act of 1841, introduced by Lord John Russell, extended the powers of election committees, and required them to receive evidence generally upon the charges of bribery, without previous investigation of agency. This measure facilitated the detection of bribery, though it often pressed heavily upon the sitting member. A further act passed in 1842 provided for the prosecution of investigations into bribery after an election committee had closed its inquiries, or where charges of bribery had been withdrawn. This measure proving ineffectual, a more stringent act was passed in 1852, which provided for the most searching inquiries into corrupt practices by commissioners appointed by the Crown on the address of the two Houses of Parliament. In 1854 a more general measure was carried, which made the offer or acceptance of a bribe a misdemeanour, punishable by fine, imprisonment, and forfeiture of franchise. It likewise restrained

candidates from paying any election expenses except through their authorised agents and the election auditor, and provided for the publication of accounts of all election expenses. An act passed in 1858 permitted the conveyance of voters to the poll, but forbade money to be given to the voters themselves for the purpose. In 1868 the jurisdiction in election petitions was given to the judges of the superior courts, with excellent results. The judge reports to the Speaker in each case, and the House takes the requisite action upon the report. The severest and most comprehensive statute against bribery is Sir Henry James's Corrupt Practices Act of 1883, which limits the legal expenditure of the candidate and his agents to a certain sum calculated on the number of electors, and visits with heavy penalties any authorised or unauthorised expenditure beyond this limit. Bribery may be committed before, during, or after the election, and may consist of promises to give refreshments, to pay travelling or vehicular expenses, or the offering of any valuable consideration to corrupt the mind of the elector. If it be proved that the candidate or any of his agents have been guilty of bribery, or that bribery, though not traced to any one, has taken place on a large scale, the election is void, and the guilty persons may be punished by imprisonment for one year, a fine of £200, or by electoral incapacity, and incapacity to be elected to Parliament or to any public office; the civil incapacity to last for seven years. Should bribery be brought home to the knowledge of the candidate, he may be declared incapable of ever again representing the particular constituency ; and bribery by agents will exclude the candidate from that constituency for seven years. Bribery at municipal elections was dealt with by the Corrupt Practices (Municipal Elections) Act of 1884, which put the law on the same basis as that regulating Parliamentary elections.

Election petitions.

Corrupt Practices Act.

The county franchise was made the subject of numerous motions in Parliament. This question was first systematically taken up by Mr. Locke King. In the session of 1851, his proposal for assimilating the

The County Franchise.

CHAP. III. Legislation under Queen Victoria.

county with the borough franchise was supported by some Liberals, and unexpectedly carried against the Government by 100 to 52. When the second reading of Mr. King's measure came on, however, members attended in greater numbers, and the bill was rejected by 299 to 83. Mr. Bright advocated a consideration of the subject. Mr. Locke King reintroduced the bill in 1857, when it was lost by the narrow majority of 192 to 179. In the following session the bill passed its second reading by 226 to 168, but, in consequence of the pressure of other measures and the lateness of the session, it was withdrawn. Reintroduced in 1861, it was negatived by 248 to 229, and again in 1864 by 254 to 227. When Mr. Locke King died, Mr. (afterwards Sir George) Trevelyan took up the Parliamentary lead on this question. Beginning in 1872, he introduced his motion in five consecutive sessions. In 1876 it was warmly supported by Mr. Bright as the best means for neutralising any agitation for manhood or universal suffrage. The motion was opposed by Mr. Disraeli, however, and defeated by 264 to 165. In 1878 it was lost by 271 to 219, and in 1879 by 291 to 226. Household suffrage was eventually extended to the counties by the Reform Act of 1884.

Mr. Hume's motions for reform.

Mr. Joseph Hume vainly endeavoured to persuade Parliament to pass a radical reform measure. In 1848 he brought forward a reform scheme embracing household suffrage, triennial Parliaments, equal electoral districts, and the ballot; but it was rejected by 351 votes to 84. He introduced the scheme again in several subsequent sessions; but it was rejected in 1849 by 268 to 82, in 1850 by 242 to 96, and in 1852 by 244 to 89.

Lord John Russell's measures.

But the Whig Government felt the necessity of legislating upon this matter, and, in response to a pledge made in 1851, Lord John Russell introduced a Ministerial Reform Bill in the session of 1852. It proposed a £20 rating franchise in counties and a £5 rating franchise in boroughs; small boroughs were to be grouped together, and taxpayers to the amount of 40*s.* per annum were

to have the franchise in both counties and boroughs. A Ministerial crisis occurring shortly after the introduction of the bill, however, it was abandoned. Lord John Russell introduced another bill in 1854 proposing a £10 rating franchise in counties and a £6 one in boroughs. It contained also educational, savings-bank, and other so-called "fancy" franchises. The Crimean war having broken out, this and other causes compelled the withdrawal of the measure.

Tory Reform Bill of 1859.

Mr. Disraeli next made an effort to deal with the question. Introducing the Conservative Reform Bill of 1859, he explained that it was not intended to alter the limits of the franchise, but to establish a new franchise in the boroughs founded upon personal property. It was proposed to give votes to persons receiving £10 yearly from the funds or £20 in pensions, as well as to graduates in the universities, ministers of religion, members of the legal and medical profession, and some other classes. The bill further recognised the principle of identity of suffrage between the counties and the towns. Mr. Walpole and Mr. Henley retired from the Government on the ground that this new principle was utterly at variance with the traditions of the Conservative party. Lord John Russell and Mr. Bright complained that the bill did nothing for the working classes, and it was rejected on its second reading by 330 to 291. Ministers now dissolved Parliament, but they sustained losses at the polling booths, and when the new Parliament met in May it was found to consist of 348 Liberals and 305 Conservatives. An amendment to the Address moved by Lord Hartington was carried by 323 to 310 votes, whereupon Lord Derby resigned and was succeeded by Lord Palmerston as Premier.

The Liberal Bill of 1860.

Early in the session of 1860, Lord John Russell fulfilled the intentions of the new Government with regard to reform by introducing a bill which proposed to reduce the county franchise to £10 and that of the boroughs to £6. The latter change would have had the effect of increasing the number of borough

CHAP. III. Legislation under Queen Victoria.

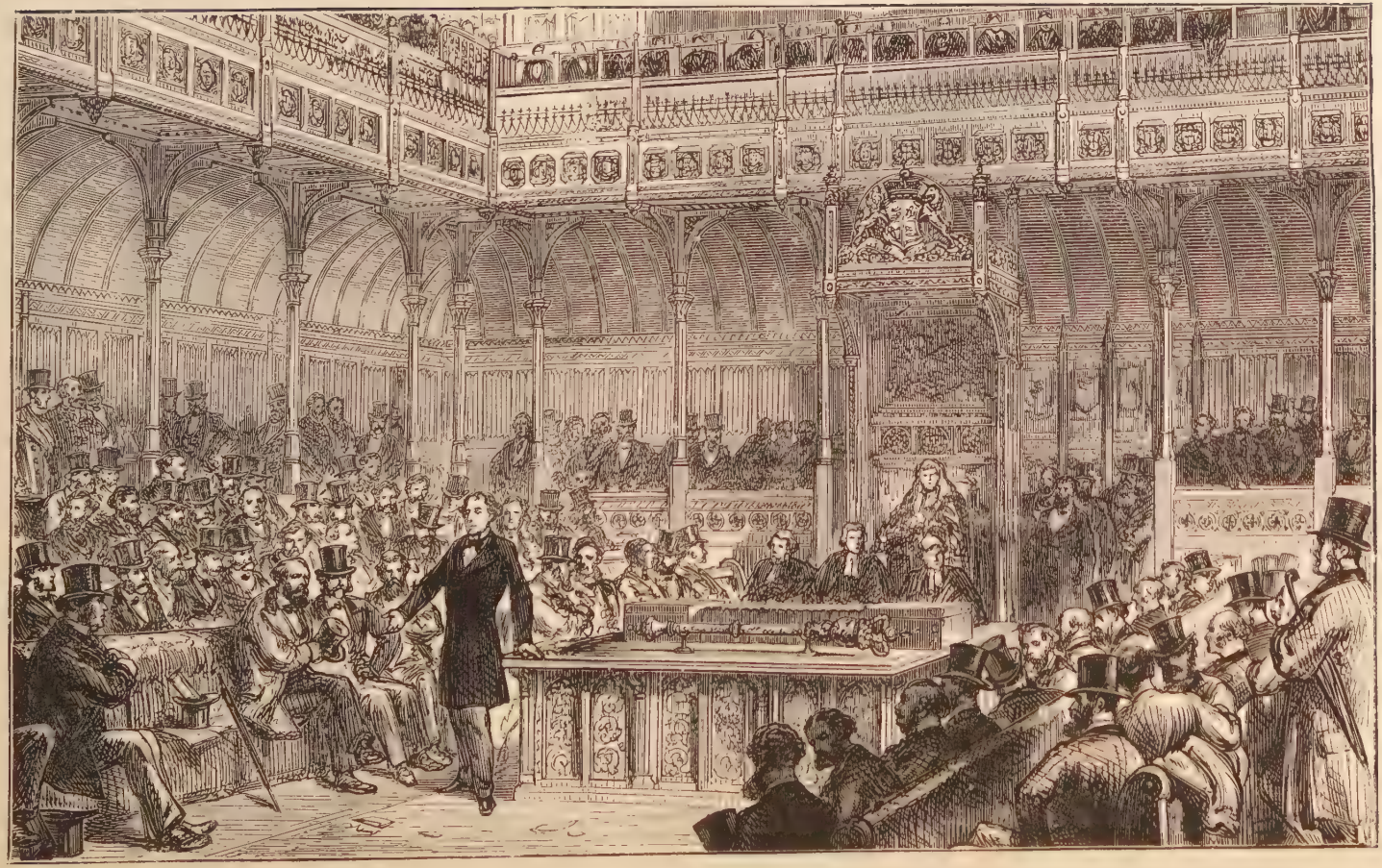
voters from four hundred and forty to six hundred and thirty-four thousand. Twenty-five seats were to be taken from small places returning two members, and divided among new constituencies. Little progress was made with the bill, however; and on June 11th Lord John Russell announced its withdrawal. A temporary apathy now fell upon the House of Commons in connection with this subject, and at the opening of the session of 1861 no mention of the matter was made in the royal speech, much to the disappointment of all earnest reformers.

Borough Franchise.

The question of the borough franchise was next taken up by a private member, Mr. Edward Baines. In the session of 1861 his motion for the reduction of the borough franchise was negatived by 245 to 193. Three years later the same motion was defeated by 272 to 216; and in 1865 the scheme was rejected by 288 to 214.

The Reform Bill of 1866.

After the death of Lord Palmerston, the Russell-Gladstone Ministry made an earnest effort to grapple with the question. On March 12th, 1866, Mr. Gladstone introduced the Government Reform Bill, which proposed to fix the county franchise at £14 rental and the borough franchise at £7 rental, lodgers to enjoy the suffrage by paying £10 clear annual value. Debates of unusual eloquence followed the introduction of the measure, that on the second reading being probably unparalleled for speeches of first-class power. Mr. Gladstone closed it with a speech which ranked amongst his highest efforts. He predicted an ultimate triumph for the cause, and assured his opponents that, although they might bury the bill, it would rise again: "You cannot fight against the future; time is on our side." Owing to the secession of a number of Liberals, led by Mr. Lowe, whom Mr. Bright described as "Adullamites," the second reading was carried by five votes only: 318 to 313. The Government decided to go on with the bill, but they were defeated in committee on a crucial point. Lord Dunkellin having proposed an amendment in favour of a borough franchise



MR. DISRAELI INTRODUCING THE REFORM BILL OF 1867.

based on rating instead of rental, the proposition was carried against the Government by 315 votes to 304. Ministers now resigned office, and great agitation ensued in London and the provinces. A serious riot took place in Hyde Park, and there was an enormous reform demonstration at Birmingham.

Reform Act of 1867.

In the session of 1867 Mr. Disraeli introduced a Ministerial Reform Bill, but it did not satisfy the Liberals, and its author withdrew it. He then brought forward a measure of a much more democratic character, which led to the retirement of three members of the Cabinet: the Earl of Carnarvon, General Peel, and Lord Cranborne. The bill was proceeded with, and, in compliance with the demands of Mr. Gladstone, a great number of proposed restrictions were removed. As it ultimately passed, the Reform Act of 1867 established household suffrage in boroughs, with a lodger franchise of £10; in the counties a £12 occupation franchise was established. The education and tax-paying franchises originally proposed were struck out. Under the accompanying redistribution scheme, the boroughs of Lancaster, Reigate, and Great Yarmouth were disfranchised for gross bribery, and a third member was added to the representation of Liverpool, Manchester, Birmingham, and Leeds; but in these boroughs, returning three members, each voter was only allowed to give two votes. One member was awarded to London University; Salford, Chelsea, and Hackney were henceforth to return two members each; and nine new boroughs were created to return one member each. The West Riding of Yorkshire was divided into three divisions, each returning two members; Lancashire was divided into four divisions, each returning two members; and ten counties were divided into three instead of two divisions, each returning two members. These various changes disposed of forty-four seats out of a total of fifty-two gained by the partial or total disfranchisement of boroughs. The eight remaining seats were thus apportioned: an additional member to Merthyr Tydvil, one member

CHAP. III. Legislation under Queen Victoria.

each to two new Scotch university constituencies, an additional member each to Glasgow and Dundee, one member for the Border Burghs; while one member was taken from Peeblesshire and Selkirkshire, which were henceforth to return one member conjointly; and three seats were distributed among other Scotch counties. Lord Cranborne described the Reform Act of 1867 as a political betrayal which had no parallel; and the Prime Minister, Lord Derby, described it as "a leap in the dark." Reform acts for Ireland and Scotland were passed in 1868. In Ireland the borough franchise was reduced from £8 to £4; in Scotland the occupation franchise in counties was reduced to £14.

The Ballot Act.

Vote by ballot became a practical question in 1869, when a select committee of the House of Commons reported in favour of it as a necessary safeguard against corruption, intimidation, disorder, and all kinds of undue interference at elections. The principle was adopted for school board elections in 1870. In the Queen's Speech of 1871 the ballot was referred to, and Mr. Forster brought in a bill for its adoption at Parliamentary elections. The measure was fiercely contested, but it passed the Commons and was sent to the Upper House, where it was rejected by 97 votes to 48, chiefly on the ground of the lateness of the session. The Ballot Bill was reintroduced in the session of 1872 and carried, after prolonged debates. The Lords endeavoured to make secret voting optional, but the Commons would not accept the amendment, and the Lords yielded. The act established secret voting at all Parliamentary and municipal elections, except Parliamentary elections for universities. Public nominations at the hustings and public declarations of the poll, which had often been attended by scenes of rioting and violence, were now abolished.

Reform Acts of 1884-85.

The suffrage was widely extended, and the Constitution made still more democratic, by the Representation of the People Act of 1884 and the Redistribution and Registration Acts of 1885. On February 28th, 1884, Mr. Gladstone introduced the Franchise Bill in the House

MR. GLADSTONE SPEAKING IN THE HOUSE OF COMMONS.

of Commons. It proposed to give the suffrage to every male person throughout the United Kingdom who was the head of a household. The effect of the measure, said the Premier, would be to add to the English constituency upwards of 1,300,000 voters, to the Scottish constituency over 200,000, and to the Irish constituency over 400,000, thus adding to the aggregate constituency of the United Kingdom—which was estimated at 3,000,000—2,000,000 more, or nearly twice as many as were added in 1867, and more than four times as many as were added in 1832. It was proposed to assimilate the county franchise with that in the boroughs. Household, lodger, and service franchises were given to the counties. The bill passed the Commons and went to the Lords, but the peers refused to consider any measure for extending the franchise until the details of the Government scheme of redistribution were before them. The action of the Upper House led to much agitation in the autumn recess. Parliament assembled again in October, and the Franchise Bill was reintroduced. A singular compromise was effected between the two Houses. The Government laid their redistribution proposals before Lord Salisbury and Sir Stafford Northcote at a private conference. The leaders of the Opposition attended meetings of the Cabinet, the result being that an amicable understanding was arrived at. The Redistribution Bill was next brought forward in the Commons by Mr. Gladstone. This measure proposed to disfranchise all boroughs with a population not exceeding 15,000, to give only one member to towns and districts with a population of from 15,000 to 50,000, and to take one member each from the counties of Rutland and Hereford. These proposals had the effect of extinguishing 160 seats, which—with six seats disfranchised some years before, and now revived—would be distributed as follows: eight new boroughs would be created; the representation of London, Liverpool, and other large cities and towns would be increased; and in dealing with the remainder of the unappropriated seats Government would apply the principle of equal electoral

CHAP. III.

Legislation under Queen Victoria.

districts throughout the country. Twelve members were added to the House of Commons, thus raising the total number to 670. The Franchise Bill passed through both Houses and became law; and the principle of the Redistribution Bill having been affirmed, Parliament was prorogued. When the Houses reassembled in February, 1885, the redistribution scheme was proceeded with. Several important amendments were proposed, but only one was carried, providing that the expenses of the new registration in Ireland were to be met out of imperial, and not out of local, taxation. The Redistribution scheme passed both Houses, and Registration Acts were also carried for England, Scotland, and Ireland.

Conclusion.

With this last great measure of reform our historical survey of Parliament closes. A long and momentous period in British history is that which extends from Edward I. to Victoria; but all through these six centuries the Constitution has been expanding, until it has drawn within its democratic limits the best blood and strength of the empire. That we have yet reached the ideal state desired for a free nation would scarcely be maintained by any student of the social and economic aspects of English life; but as with all great changes in the past, so with those in the future, we need indulge no fears of national decadence. Person and property were never more securely guarded in England than they are to-day; and with every widening of the bounds of the Constitution, and every extension of civil and religious freedom, the people have advanced socially, morally, and intellectually. Individuals and leaders pass away, but the nation abides, strong in the strength of its freedom and its virtues; and while the British character remains what it is, so long will the British Constitution continue to be the envy and admiration of the world.

THE END.

CONSTITUTIONAL ADDENDA.

CONSTITUTIONAL ADDENDA.

I.

THE GREAT CHARTER, A.D. 1215.

THE following translation of the great charter of English liberties, the *Magna Carta* of King John, is from the original copy preserved in the archives of Lincoln Cathedral, which is regarded as the most accurate :—

John, by the Grace of God, King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Earl of Anjou, to his Archbishops, Bishops, Abbots, Earls, Barons, Justiciaries, Foresters, Sheriffs, Governors, Officers, and to all Bailiffs, and his faithful subjects,—Greeting. Know ye, that We, in the presence of God, and for the salvation of our own soul, and of the souls of all our ancestors, and of our heirs, to the honour of God, and the exaltation of the Holy Church and amendment of our Kingdom, by the counsel of our venerable fathers, Stephen Archbishop of Canterbury, Primate of all England, and Cardinal of the Holy Roman Church, Henry Archbishop of Dublin, William of London, Peter of Winchester, Joceline of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, and Benedict of Rochester, Bishops ; Master Pandulph our Lord the Pope's Subdeacon and familiar, Brother Almeric, Master of the Knights-Templars in England, and of these noble persons, William Mareschal Earl of Pembroke, William Earl of Salisbury, William Earl of Warren, William Earl of Arundel, Alan de Galloway, Constable of Scotland, Warin Fitz Gerald, Hubert de Burgh, Seneschal of Poictou, Peter Fitz-Herbert, Hugh de Nevil, Matthew Fitz-Herbert, Thomas Basset, Alan Basset, Philip de Albiniac, Robert de Roppel, John Mareschal, John Fitz-Hugh, and others our liegemen ; have in the first place granted to God, and by this our present charter, have confirmed for us and our heirs for ever :—(I.) That the English Church shall be free, and shall have her whole rights and her liberties inviolable ; and we will this to be observed in such a manner, that it may appear from thence, that the freedom of elections, which was reputed most requisite to the English Church, which we granted, and by our Charter confirmed, and obtained the confirmation of the same, from our Lord Pope Innocent the Third, before the rupture between us and our Barons, was of our own free will : which Charter we shall observe, and we will it to be observed with good faith, by our heirs for ever.—(II.) We have also granted to all the Freemen of our Kingdom, for us and our heirs for ever, all the underwritten Liberties, to be enjoyed and held by them and by their heirs, from us and from our heirs.—(II. 1.) If any of our Earls or Barons, or others who hold of us in chief by military service, shall die, and at his death his heir shall be of full

age, and shall owe a relief, he shall have his inheritance by the ancient relief; that is to say the heir or heirs of an Earl, a whole Earl's Barony for one hundred pounds: the heir or heirs of a Baron for a whole Barony, by one hundred pounds: the heir or heirs of a Knight, for a whole Knight's fee, by one hundred shillings at most: and he who owes less, shall give less according to the ancient custom of fees.—(III. 2.) But if the heir of any such be under age, and in wardship, when he comes to age he shall have his inheritance without relief and without fine.—(IV. 3.) The warden of the land of such an heir who shall be under age, shall not take from the lands of the heir any but reasonable issues, and reasonable customs, and reasonable services, and that without destruction and waste of the men or goods, and if we commit the custody of any such lands to a Sheriff, or any other person who is bound to us for the issues of them, and he shall make destruction or waste upon the ward-lands, we will recover damages from him, and the lands shall be committed to two lawful and discreet men of that fee, who shall answer for the issues to us, or to him to whom we have assigned them. And if we shall give or sell to anyone the custody of any such lands, and he shall make destruction or waste upon them, he shall lose the custody; and it shall be committed to two lawful and discreet men of that fee, who shall answer to us in like manner as it is said before. —(V.) But the warden, as long as he hath the custody of the lands, shall keep up and maintain the houses, parks, warrens, ponds, mills, and other things belonging to them, out of their issues; (35.) and shall restore to the heir when he comes of full age, his whole estate, provided with ploughs and other implements of husbandry, according as the time of Wainage shall require, and the issues of the lands can reasonably afford.—(VI. 3.) Heirs shall be married without disparagement, so that before the marriage be contracted, it shall be notified to the relations of the heir by consanguinity.—(VII. 4.) A widow, after the death of her husband, shall immediately and without difficulty have her marriage and her inheritance; nor shall she give anything for her dower, or for her marriage, or for her inheritance, which her husband and she held at the day of his death: and she may remain in her husband's house forty days after his death, within which time her dower shall be assigned.—(VIII. 17.) No widow shall be distrained to marry herself, while she is willing to live without a husband; but yet she shall give security that she will not marry herself without our consent, if she hold of us, or without the consent of the lord of whom she does hold, if she hold of another.—(IX. 5.) Neither we nor our Bailiffs, will seize any land or rent for any debt, while the chattels of the debtor are sufficient for the payment of the debt; nor shall the sureties of the debtor be distrained, while the principal debtor is able to pay the debt; and if the principal debtor fail in payment of the debt, not having wherewith to discharge it, the sureties shall answer for the debt; and if they be willing, they shall have the lands and rents of the debtor, until satisfaction be made to them for the debt which they had before paid for him, unless the principal debtor can shew himself acquitted thereof against the said sureties.—(X. 34.) If anyone hath borrowed anything from the Jews, more or less, and die before that debt be paid, the debt shall pay no interest so long as the heir shall be under age, of whomsoever he may hold; and if that debt shall fall into our hands, we will not take anything except the chattel contained in the bond.—(XI. 35.) And if anyone shall die indebted to the Jews, his wife shall have her dower and shall pay nothing of that debt; and if children of the deceased shall remain who are under age, necessaries shall be provided for them, according to the tenement which belonged to the deceased; and out of the residue the debt shall be paid, saving the rights of the lords (*of whom the lands are held*). In like manner let it be with debts owing to others than Jews.—(XII. 32.) No scutage nor aid shall be imposed in our kingdom, unless by the common council of our kingdom; excepting to redeem our person, to make our eldest son a knight, and once to marry our eldest daughter, and not for these, unless a reasonable aid shall be demanded.—(XIII.) In like manner let it be concerning the aids of the City of London.—And the City of London should have all its ancient liberties, and its free customs, as well by land as by water.—Furthermore, we will and grant that all other Cities, and Burghs, and Towns, and Ports, should have all their liberties and free customs. —(XIV.) And also to have the common council of the kingdom, to assess and aid,

otherwise than in the three cases aforesaid: and for the assessing of scutages, we will cause to be summoned the Archbishops, Bishops, Abbots, Earls, and great Barons, individually, by our letters.—And besides, we will cause to be summoned in general by our Sheriffs and Bailiffs, all those who hold of us in chief, at a certain day, that is to say at the distance of forty days, (*before their meeting*,) at the least, and to a certain place; and in all the letters of summons, we will express the cause of the summons: and the summons being thus made, the business shall proceed on the day appointed, according to the counsel of those who shall be present, although all who had been summoned have not come.—(XV. 6.) We will not give leave to anyone, for the future, to take an aid of his own freemen, except for redeeming his own body, and for making his eldest son a knight, and for marrying once his eldest daughter; and not that unless it be a reasonable aid.—(XVI. 7.) None shall be distrained to do more service for a Knight's Fee, nor for any other free tenement, than what is due from thence.—(XVII. 8.) Common Pleas shall not follow our court, but shall be held in any certain place.—(XVIII.) Trials upon the Writs of *Novel Disseisin* of Mort d'Ancestre (death of the ancestor), and Darrien Presentment (last presentation), shall not be taken but in their proper counties, and in this manner:—We, or our Chief Justiciary, if we are out of the kingdom, will send two Justiciaries into each county, four times in the year, who, with four knights of each county, chosen by the county, shall hold the aforesaid assizes within the county on the day and at the place appointed.—(XIX. 13.) And if the aforesaid assizes cannot be taken on the day of the county-court, let as many knights and freeholders, of those who were present at the county-court, remain behind, as shall be sufficient to do justice, according to the great or less importance of the business.—(XX. 9.) A freeman shall not be amerced for a small offence, but only according to the degree of the offence; and for a great delinquency, according to the magnitude of the delinquency saving his contenement: a Merchant shall be amerced in the same manner, saving his merchandise, and a villain shall be amerced after the same manner, saving to him his wainage, if he shall fall into our mercy; and none of the aforesaid amerciaments shall be assessed, but by the oath of honest men of the vicinage.—(XXI.) Earls and Barons shall not be amerced but by their peers, and that only according to the degree of their delinquency.—(XXII. 10.) No Clerk shall be amerced for his lay-tenement, but according to the manner of the others as aforesaid, and not according to the quantity of his ecclesiastical benefice.—(XXIII. 11.) Neither a town nor any person shall be distrained to build bridges or embankments, excepting those which anciently, and of right, are bound to do it.—(XXIV. 14.) No Sheriff, Constable, Coroners, nor other of our Bailiffs, shall hold pleas of our crown.—(XXV.) All counties, and Hundreds, Trethings, and Wapontakes, shall be at the ancient rent, without any increase, excepting in our Demesne-manors.—(XXVI. 15.) If anyone holding of us a lay fee dies, and the Sheriff or our Bailiff shall shew our letters-patent of summons concerning the debt which the defunct owed to us, it shall be lawful for the Sheriff or our Bailiff to attach and register the chattels of the defunct found in that lay-fee, to the amount of that debt, by the view of lawful men, so that nothing shall be removed from thence until our debt be paid to us; and the rest shall be left to the executors to fulfil the will of the defunct; and if nothing be owing to us by him, all the chattels shall fall to the defunct, saving to his wife and children their reasonable shares.—(XXVII. 16.) If any freeman shall die intestate, his chattels shall be distributed by the hands of his nearest relations and friends, by the view of the Church, saving to every one the debts which the defunct owed.—(XXVIII. 18.) No Constable nor other Bailiff of ours shall take the corn or other goods of anyone, without instantly paying money for them, unless he can obtain respite from the free will of the seller.—(XXIX. 19.) No Constable (*Governor of a Castle*) shall distrain any Knight to give money for castle guard, if he be willing to perform it in his own person, or by another able man, if he cannot perform it himself, for a reasonable cause: and if we have carried or sent him into the army, he shall be excused from castle guard, according to the time that he shall be in the army by our command.—(XXX. 20.) No Sheriff nor Bailiff of ours, nor any other person shall take the horses or carts of any freeman, for the purpose of carriage, without the consent of the said freeman.—(XXXI. 21.)

Neither we, nor our Bailiffs, will take another man's wood, for our castles or other uses, unless by the consent of him to whom the wood belongs.—(XXXII. 22.) We will not retain the lands of those who have been convicted of felony, excepting for one year and one day, and then they shall be given up to the lord of the fee.—(XXXIII. 23.) All Rydells (*wears*) for the future shall be quite removed out of the Thames, and the Medway, and through all England, excepting upon the sea-coast.—(XXXIV. 24.) The writ which is called *Præcipe*, for the future shall not be granted to anyone of any tenement, by which a freeman may lose his court.—(XXXV. 12.) There shall be one measure of wine throughout all our Kingdom, and one measure of ale, and one measure of corn, namely the quarter of London; and one breadth of dyed cloth, and of russets, and of halberjects, namely, two ells within the lists. Also it shall be the same with weights as with measures.—(XXXVI. 26.) Nothing shall be given or taken for the future for the Writ of Inquisition of life or limb; but it shall be given without charge, and not denied.—(XXXVII. 27.) If any hold of us by Fee-Farm, or Socage, or Burgage, and hold land of another by Military Service, we will not have the custody of the heir, nor of his lands, which are of the fee of another, on account of that Fee-Farm, or Socage, or Burgage; nor will we have the custody of that Fee-Farm, or Socage, or Burgage, unless the Fee-Farm owe Military Service. We will not have the custody of the heir, nor of the lands of any one, which he holds of another by Military Service, on account of any Petty Sergeantry which he holds of us by the service of giving us daggers, or arrows, or the like.—(XXXVIII. 28.) No Bailiff, for the future, shall put any man to his law, upon his own simple affirmation, without credible witnesses produced for that purpose.—(XXXIX. 29.) No freeman shall be seized, or imprisoned, or dispossessed, or outlawed, or in any way destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers, or by the laws of the land.—(XL. 30.) To none will we sell, to none will we deny, to none will we delay right or justice.—(XLI. 31.) All Merchants shall have safety and security in coming to England, and going out of England, and in staying and travelling through England, as well by land as by water, to buy and sell, without any unjust exactions, according to ancient and right customs, excepting in the time of war, and if they be of a country at war against us: and if such are found in our land at the beginning of a war, they shall be apprehended without injury of their bodies and goods, until it be known to us, or to our Chief Justiciary, how the merchants of our country are treated who are found in the country at war against us; and if ours be in safety there, the others shall be in safety in our land.—(XLII. 33.) It shall be lawful to any person, for the future, to go out of our Kingdom, and to return safely and securely, by land or by water, saving his allegiance to us, unless it be in time of war, for some short space, for the common good of the kingdom; excepting prisoners and outlaws according to the laws of the land, and of the people of the nation at war against us, and Merchants who shall be treated as it is said above.—(XLIII. 36.) If any hold of any escheat, as of the Honour of Wallingford, Nottingham, Boulogne, Lancaster, or of other escheats which are in our hand, and are Baronies, and shall die, his heir shall not give any other relief, nor do any other service to us, than he should have done to the Baron, if that Barony had been in the hands of the Baron; and we will hold it in the same manner that the Baron held it.—(XLIV. 39.) Men who dwell without the Forest shall not come, for the future, before our Justiciaries of the Forest on a common summons; unless they be parties in a plea, or sureties for some person or persons who are attached for the Forest.—(XLV. 42.) We will not make Justiciaries, Constables, Sheriffs, or Bailiffs, excepting of such as know the laws of the land, and are well disposed to observe them.—(XLVI. 43.) All Barons who have founded Abbies, which they hold by charters from the Kings of England, or by ancient tenure, shall have the custody of them when they become vacant, as they ought to have.—(XLVII. 47.) All Forests which have been made in our time, shall be immediately disforested; and it shall be so done with Water-banks, which have been taken or fenced in by us during our reign.—(XLVIII. 39.) All evil customs of Forests and Warrens, and of Foresters and Warreners, Sheriffs and their officers, Water-banks and their keepers, shall immediately be inquired into by twelve Knights of the same county, upon oath, who shall be elected by

good men of the same county; and within forty days after the inquisition is made, they shall be altogether destroyed by them never to be restored; provided that this be notified to us before it be done, or to our Justiciary, if we be not in England.—(XLIX. 38.) We will immediately restore all hostages and charters, which have been delivered to us by the English, in security of the peace of their faithful service.—(L. 40.) We will remove from their bailiwicks the relations of Gerard de Athyes, so that, for the future, they shall have no bailiwick in England; Engelard de Cygony, Andrew, Peter, and Gyone de Chancell, Gyone de Cygony, Geoffrey de Martin and his brothers, Philip Mark, and his brothers, and Geoffrey his nephew, and all their followers.—(LI. 41.) And immediately after the conclusion of the peace, we will remove out of the Kingdom all foreign Knights, crossbowmen, and stipendiary soldiers, who have come with horses and arms to the molestation of the Kingdom.—(LII. 25.) If any have been disseised or dispossessed by us, without a legal verdict of their peers, of their lands, castles, liberties, or rights, we will immediately restore these things to them; and if any dispute shall arise on this head, then it shall be determined by the verdict of twenty-five Barons, of whom mention is made below, for the security of the peace.—Concerning all those things of which anyone hath been disseised or dispossessed, without the legal verdict of his peers by King Henry our father, or King Richard our brother, which we have in our hand, or others hold with our warrants, we shall have respite, until the common term of the Croisaders, excepting those concerning which a plea had been moved, or an inquisition taken, by our precept, before our taking the Cross; but as soon as we shall return from our expedition, or if, by chance, we should not go upon our expedition, we will immediately do complete justice therein.—(LIII.) The same respite will we have, and the same justice shall be done, concerning the disforestation of the forests, or the forests which remain to be disforested, which Henry our father, or Richard our brother, have afforested; and the *same* concerning the wardship of lands which are in another's fee, but the wardship of which we have hitherto had, occasioned by any of our fees held by Military Service; and for Abbies founded in any other fee than our own, in which the Lord of the fee hath claimed a right; and when we shall have returned, or if we shall stay from our expedition, we shall immediately do complete justice in all these pleas.—(LIV.) No man shall be apprehended or imprisoned on the appeal of a woman, for the death of any other man than her husband.—(LV. 37.) All fines that have been made by us unjustly, or contrary to the laws of the land; and all amerciaments that have been imposed unjustly, or contrary to the laws of the land, shall be wholly remitted, or ordered by the verdict of the twenty-five Barons, of whom mention is made below, for the security of the peace, or by the verdict of the greater part of them, together with the aforesaid Stephen, Archbishop of Canterbury, if he can be present, and others whom he may think fit to bring with him; and if he cannot be present, the business shall proceed, notwithstanding, without him; but so, that if any one or more of the aforesaid twenty-five Barons have a similar plea, let them be removed from that particular trial, and others elected and sworn by the residue of the same twenty-five, be substituted in their room, only for that trial.—(LVI. 44.) If we have disseised or dispossessed any Welshmen of their lands, or liberties, or other things, without a legal verdict of their peers, in England or in Wales, they shall be immediately restored to them; and if any dispute shall arise upon this head, then let it be determined in the Marches, by the verdict of their peers: for a tenement of England, according to the law of England; for a tenement of Wales, according to the law of Wales; for a tenement of the Marches, according to the law of the Marches. The Welsh shall do the same to us and to our subjects.—(LVII.) Also concerning those things of which any Welshman hath been disseised or dispossessed without the legal verdict of his peers, by King Henry our father, or King Richard our brother, which we have in our hand, or others hold with our warrant, we shall have respite, until the common term of the Croisaders, excepting for those concerning which a plea had been moved, or an inquisition made, by our precept, before our taking the Cross. But as soon as we shall return from our expedition, or if, by chance, we should not go on our expedition, we shall immediately do complete justice therein, according to the laws of Wales, and the parts aforesaid.—(LVIII. 45.) We will immediately

deliver up the son of Llewelin and all the hostages of Wales, and release them from their engagements which were made with us, for the security of the peace.—(LIX. 46.) We shall do to Alexander King of Scotland, concerning the restoration of his sisters and hostages, and his liberties and rights, according to the form in which we act to our other Barons of England, unless it ought to be otherwise by the charters which we have from his father William the late King of Scotland; and this shall be by the verdict of his peers in our court. —(LX. 48.) Also all these customs and liberties aforesaid, which we have granted to be held in our kingdom, for so much of it as belongs to us, all our subjects, as well clergy as laity, shall observe towards their tenants as far as it concerns them.—(LXI. 49.) But since we have granted all these things aforesaid, for God, and for the amendment of our kingdom, and for the better extinguishing the discord which has arisen between us and our Barons, we being desirous that these things should possess entire and unshaken stability for ever, give and grant to them the security underwritten: namely, that the Barons may elect twenty-five Barons of the kingdom, whom they please, who shall with their whole power, observe, keep, and cause to be observed, the peace and liberties which we have granted to them, and have confirmed by this our present charter, in this manner, that is to say, if we, or our Justiciary, or our Bailiffs, or any of our officers, shall have injured anyone in anything, or shall have violated any article of the peace or security, and the injury shall have been shown to four of the aforesaid twenty-five Barons, the said four Barons shall come to us, or to our Justiciary if we be out of the kingdom, and making known to us the excess committed, petition that we cause that excess to be redressed without delay. And if we shall not have redressed the excess, or, if we have been out of the kingdom, and our Justiciary shall not have redressed it within the term of forty days, computing from the time when it shall have been made known to us, or to our Justiciary if we have been out of the kingdom, the aforesaid four Barons shall lay that cause before the residue of the twenty-five Barons; and they, the twenty-five Barons, with the community of the whole land, shall distress and harass us by all the ways in which they are able; that is to say, by the taking of our castles, lands, and possessions, and by any *other* means in their power, until the excess shall have been redressed according to their verdict; saving *harmless* our person, and the *persons* of our Queen and children; and when it hath been redressed, they shall behave to us as they have done before. And whoever of our land pleaseth, may swear, that he will obey the commands of the aforesaid twenty-five Barons, in accomplishing all the things aforesaid, and that with them he will harass us to the utmost of his power: and we publicly and freely give leave to everyone to swear who is willing to swear; and we will never forbid any one to swear. But all those of our land, who, of themselves, and of their own accord, are unwilling to swear to the twenty-five Barons, to distress and harass us *together* with them, we will compel them by our command, to swear as aforesaid. And if any one of the twenty-five Barons shall die, or remove out of the land, or in any other way shall be prevented from executing the things above said, they who remain of the twenty-five Barons shall elect another in his place, according to their own pleasure, who shall be sworn in the same manner as the rest. In all those things which are appointed to be done by these twenty-five Barons, if it happen that all the twenty-five have been present, and have differed in their opinions about anything, or if some of them who had been summoned would not, or could not be present, that which the greater part of those who were present shall have provided and decreed, shall be held as firm and as valid, as if all the twenty-five had agreed in it: and the aforesaid twenty-five shall swear, that they will faithfully observe, and, with all their power, cause to be observed, all the things mentioned above. And we will obtain nothing from anyone, by ourselves, nor by another, by which any of these concessions and liberties may be revoked or diminished. And if any such thing shall have been obtained, let it be void and null: and we will never use it, neither by ourselves nor by another.—(LXII.) And we have fully remitted and pardoned to all men, all the ill-will, rancour, and resentments, which have arisen between us and our subjects, both clergy and laity, from the commencement of the discord. Moreover, we have fully remitted to all the clergy and laity, and as far as belongs to us, have fully pardoned all transgressions

committed by occasion of the said discord, from Easter, in the sixteenth year of our reign, until the conclusion of the peace.—(49.) And, moreover, we have caused to be made to them testimonial letters-patent of the Lord Stephen, Archbishop of Canterbury, the Lord Henry, Archbishop of Dublin, and of the aforesaid Bishops, and of Master Pandulph concerning this security, and the aforesaid concessions.—(LXIII.) Wherefore, our will is, and we firmly command that the Church of England be free, and that the men in our kingdom have and hold the aforesaid liberties, rights, and concessions, well and in peace, freely and quietly, fully and entirely, to them and their heirs, of us and our heirs, in all things and places, for ever as is aforesaid. It is also sworn, both on our part and on that of the Barons, that all the aforesaid shall be observed in good faith, and without any evil intention.* Witnessed by the above and many others.—Given by our hand in the Meadow which is called Runningmead, between Windsor and Staines, this 15th day of June, in the 17th year of our reign.

II.

THE PETITION OF RIGHT, 1628.

THE following is the text of the Petition of Right, made law by 3 Car. I., c.1, June 7th, 1628 :—

The Petition exhibited to his Majesty by the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, concerning divers Rights and Liberties of the Subjects, with the King's Majesty's royal answer thereunto in full Parliament.

To the King's Most Excellent Majesty, Humbly show unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament assembled,

I That whereas it is declared and enacted by a statute made in time of the reign of King Edward I., commonly called *Statutum de Tallagio non Concedendo*, that no tallage or aid shall be laid or levied by the king or his heirs in this realm, without the good will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other the freemen of the commonalty of this realm; and by authority of parliament holden in the five-and-twentieth year of the reign of King Edward III., it is declared and enacted that from thenceforth no person should be compelled to make any loans to the king against his will, because such loans were against reason and the franchises of the land ; and by other laws of this realm it is provided, that none should be charged by any charge or imposition called a benevolence, nor by such like charge ; by which statutes before mentioned, and other the good laws and statutes of this realm, your subjects have inherited this freedom, that they should not be compelled to contribute to any tax, tallage, aid or other like charge not set by common consent, in parliament.

II. Yet nevertheless of late divers commissions directed to sundry commissioners in several counties, with instructions, have issued ; by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your Majesty, and many of them, upon their refusal so to do, have had an oath administered unto them not warrantable by the laws or statutes of this realm, and have been constrained to become bound and make appearance and give utterance before your Privy Council and in other places, and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted ; and divers other charges have been laid and levied upon your people in several counties by lord lieutenants, deputy lieutenants, commissioners for musters, justices of peace and others, by command or direction from your Majesty or your Privy Council, against the laws and free customs of the realm.

III. And whereas also by the statute called " The Great Charter of the liberties

* Here followed the names of the Barons and other signatories as before mentioned.

of England," it is declared and enacted, that no freeman may be taken or imprisoned, or be disseised of his freehold or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land.

IV. And in the eight-and-twentieth year of the reign of King Edward III., it was declared and enacted by authority of parliament, that no man, of what estate or condition that he be, should be put out of his land or tenements, nor taken, nor imprisoned, nor disherited, nor put to death without being brought to answer by due process of law.

V. Nevertheless, against the tenor of the said statutes, and other the good laws and statutes of your realm to that end provided, divers of your subjects have of late been imprisoned without any cause showed; and when for their deliverance they were brought before your justices by your Majesty's writs of *habeas corpus* there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesty's special command, signified by the lords of your Privy Council, and yet were returned back to several prisons, without being charged with anything to which they might make answer according to the law.

VI. And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn against the laws and customs of this realm, and to the great grievance and vexation of the people.

VII. And whereas also, by authority of parliament, in the five-and-twentieth year of the reign of King Edward III., it is declared and enacted, that no man shall be forejudged of life or limb against the form of the Great Charter and the law of the land; by the said Great Charter and other the laws and statutes of this your realm, no man ought to be adjudged to death but by the laws established in this your realm, either by the customs of the same realm, or by acts of parliament; and whereas, no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm: nevertheless of late time divers commissions under your Majesty's great seal have issued forth, by which certain persons have been assigned and appointed commissioners with powers and authority to proceed within the land, according to the justice of martial law, against such soldiers or mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanour whatsoever, and by such summary course and order as is agreeable to martial law, and as is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death, according to the law martial.

VIII. By pretext whereof some of your Majesty's subjects have been by some of the said commissioners put to death, when and where, if by the laws and statutes of the land they had deserved death, by the same laws and statutes also they might, and by no other ought to have been judged and executed.

IX. And also sundry grievous offenders, by colour thereof claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused or forborne to proceed against such offenders according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid; which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm.

X. They do therefore humbly pray your most excellent Majesty, that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such-like charge, without common consent by act of parliament; and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted, concerning the same or for refusal thereof; and that no freeman, in any such manner as is before mentioned, be imprisoned or detained; and that your Majesty would be pleased to remove the said soldiers and mariners, and that your people may not be so burdened in time to come; and that the afore-

said commissions, for proceeding by martial law, may be revoked and annulled; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever to be executed as aforesaid, lest by colour of them any of your Majesty's subjects be destroyed or put to death contrary to the laws and franchise of the land.

XI. All which they most humbly pray of your most excellent Majesty as their rights and liberties, according to the laws and statutes of this realm; and that your Majesty would also vouchsafe to declare, that the awards, doings, and proceedings, to the prejudice of your people in any of the premises, shall not be drawn hereafter into consequence or example; and that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, that in the things aforesaid all your officers and ministers shall serve you according to the laws and statutes of this realm, as they render the honour of your Majesty, and the prosperity of this kingdom.

Qua quidem petitione lecta et plenius intellecta per dictum dominum regem taliter est responsum in pleno parliamento, viz., Soit droit fait come est desiré (*Statutes of the Realm*, v. 24, 25).

III.

HABEAS CORPUS ACT, 1679.

THE Habeas Corpus Act of 1679 (31 Car. II., c. 2) was intituled "An Act for the better securing the Liberty of the Subject, and for Prevention of Imprisonments beyond the Seas." It was restricted to the case of persons imprisoned before sentence for criminal or supposed criminal matters. This famous measure enacted—

(1) That on complaint and request in writing by or on behalf of any person committed and charged with any *crime* (unless committed for treason or felony plainly expressed in the warrant; or as accessory or on suspicion of being accessory before the fact to any petit treason or felony; or upon suspicion of such petit treason plainly expressed in the warrant; or unless he is convicted or charged in execution by legal process) the Lord Chancellor or any of the judges in vacation, upon viewing a copy of the warrant, or affidavit that a copy is denied, shall (unless the party has neglected for two whole terms after his imprisonment to apply to any court for his enlargement) award a *habeas corpus* for such prisoner, returnable immediately before himself or any other of the judges. And upon service thereof the officer in whose custody the prisoner is shall bring him before the said Lord Chancellor or other judges, with the return of such writ and the true cause of the commitment; and thereupon, within two days after the party shall be brought before them, the said Lord Chancellor or other judge shall discharge the prisoner, if bailable, upon giving security, in any sum according to their discretion having regard to his quality and the nature of his offence, to appear and answer to the accusation in the proper course of judicature. (2) That such writs shall be endorsed as granted in pursuance of this Act, and signed by the person awarding the same. (3) That the writ shall be returned, and the prisoner brought up, within a limited time according to the distance, not exceeding in any case twenty days after service of the writ. (4) That officers and keepers neglecting or refusing to make due returns, or not delivering to the prisoner or his agent within six hours after demand a true copy of the warrant or commitment or shifting the custody of the prisoner from one to another, without sufficient reason or authority (specified in sec. 8 of the Act), shall for the first offence forfeit £100, and for the second

offence £200 to the party grieved and be disabled to hold his office. (5) That no person once delivered by *habeas corpus* shall be re-committed for the same offence, on penalty to the party of £500. (6) That every person committed for treason or felony, shall, if he requires it, the first week of the next term, or the first day of the next session of *oyer* and *terminer*, be indicted in that term, or session, or else admitted to bail, unless it appear, upon oath made, that the King's witnesses cannot be produced at that time; and if acquitted, or not indicted and tried in the second term or session, he shall be discharged from his imprisonment for such imputed offence; but that no person, after the assizes shall be open for the county in which he is detained, shall be removed from the common gaol by *habeas corpus* till after the assizes are ended, but shall be left to the justice of the Judges of assize. (7) That any such prisoner may move for and obtain his *habeas corpus* as well out of the Chancery or Exchequer as out of the King's Bench or Common Pleas; and the Lord Chancellor or Judges denying the same, on view of the copy of the warrant, or oath that such copy is refused, shall forfeit severally to the party grieved the sum of £500. (8) That this writ of *habeas corpus* shall run into the Counties Palatine, the Cinque Ports, and other privileged places, and the islands of Jersey and Guernsey. (9) That no inhabitant of England (except persons contracting, or convicts praying, to be transported, or having committed some capital offence in the place to which they are sent) shall be sent prisoner to Scotland, Ireland, Jersey, Guernsey, Tangier, or any places beyond the seas within or without the King's dominions, on pain that the party committing, his advisers, aiders, and assistants, shall forfeit to the party aggrieved a sum not less than £500, to be recovered with treble costs; shall be disabled to bear any office of trust or profit; shall incur the penalties of *præmunire*; and shall be incapable of receiving the King's pardon for any of the said forfeitures, losses, or disabilities.

There were three defects in this great and important statute: first, it fixed no limit on the amount of bail which might be demanded; secondly, it only applied to commitments on criminal or supposed criminal charges, all other cases of unjust imprisonment being left to the *habeas corpus* at common law as it subsisted before this enactment; and thirdly, it did not guard against falsehood in the return. The Bill of Rights (1689) remedied the first of these defects by declaring that excessive bail ought not to be required. The other defects were not remedied until the year 1816, when an act was passed "for more effectually securing the liberty of the subject." The statutable remedy was by this act of George III. extended to cases of imprisonment on non-criminal charges; and the judges were empowered to examine and determine the truth of the facts set forth in the return, and in all cases of doubt to bail the prisoner. Finally, in consequence of the decision of the Court of Queen's Bench in Anderson's case—where a writ of *habeas corpus* was issued into Upper Canada—the act of 25 and 26 Victoria, c. 20 (1862), was passed, which provides "That no writ of *habeas corpus* shall issue out of England, by authority of any judge or court of justice therein, into any colony or foreign dominion of the Crown where her Majesty has a lawfully established court or courts of justice having authority to grant and issue the said writ and to ensure the due execution thereof throughout such colony or dominion."

IV.

THE BILL OF RIGHTS, 1689.

THE following is the text of the Bill of Rights, passed Nov. 2nd, 1689, in the first year of the reign of William and Mary :—

Whereas the Lords Spiritual and Temporal, and Commons, assembled at Westminster, lawfully, fully, and freely representing all the estates of the people of this realm, did, upon the thirteenth day of February, in the year of our Lord one thousand six hundred eighty eight, present unto their Majesties then called and known by the names and style of William and Mary, Prince and Princess of Orange, being present in their proper persons, a certain declaration in writing, made by the said Lords and Commons, in the words following ; viz. :—Whereas the late King James II., by the assistance of diverse evil counsellors, judges, and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and laws and the liberties of this kingdom :—

I. By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of Parliament.

II. By committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the same assumed power.

III. By issuing and causing to be executed a commission under the Great Seal for erecting a Court, called the Court of Commissioners for Ecclesiastical Causes.

IV. By levying money for and to the use of the Crown by pretence of prerogative, for other time, and in other manner than the same was granted by Parliament.

V. By raising and keeping a standing army within this kingdom in time of peace, without consent of Parliament, and quartering soldiers contrary to law.

VI. By causing several good subjects being Protestants to be disarmed, at the same time when Papists were both armed and employed contrary to law.

VII. By violating the freedom of election of members to serve in Parliament.

VIII. By prosecutions in the Court of King's Bench, for matters and causes cognizable only in Parliament ; and by diverse other arbitrary and illegal courses.

IX. And whereas of late years, partial, corrupt, unqualified persons have been returned and served on juries in trials, and particularly diverse jurors in trials for high treason, which were not freeholders.

X. And excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects.

XI. And excessive fines have been imposed ; and illegal and cruel punishments inflicted.

XII. And several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons upon whom the same were to be levied.

All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm.

And whereas the said late King James II. having abdicated the government, and the throne being thereby vacant, his Highness the Prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by advice of the Lords Spiritual and Temporal and diverse principal persons of the Commons) cause letters to be written to the Lords Spiritual and Temporal, being Protestants, and other letters to the several counties, cities, universities, boroughs, and cinque ports for the choosing of such persons as represent them, as were of right to be sent to Parliament, to meet and sit at Westminster upon the two-and-twentieth day of January, in this year one thousand six hundred eighty and eight, in order to such an establishment, as that their religion, laws and liberties might not again be in danger of being subverted ; upon which letters, elections have been accordingly made.

And thereupon the said Lords Spiritual and Temporal, and Commons, pursuant to

their respective letters and elections, being now assembled in a full and free representation of this nation, taking into their most serious consideration the best means of attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done), for the vindicating and asserting their ancient rights and liberties, declare :—

I. That the pretended power of suspending of laws, or the execution of laws by regal authority, without consent of parliament, is illegal.

II. That the pretended power of dispensing with laws, or the execution of laws by regal authority, as it hath been assumed and exercised of late, is illegal.

III. That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious.

IV. That levying money for or to the use of the Crown, by pretence of prerogative, without grant of parliament, for longer time or in other manner than the same is or shall be granted, is illegal.

V. That it is right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal.

VI. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of parliament, is against law.

VII. That the subjects which are Protestants may have arms for their defence suitable to their conditions, and as allowed by law.

VIII. That election of members of parliament ought to be free.

IX. That the freedom of speech, and debates or proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament.

X. That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted.

XI. That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders.

XII. That all grants and promises of fines and forfeitures of particular persons before conviction, are illegal and void.

XIII. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliament ought to be held frequently. And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties ; and that no declarations, judgments, doings or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example.

To which demand of their rights they are particularly encouraged by the declaration of his Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein. Having therefore an entire confidence that his said Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights, and liberties:

II. The said Lords Spiritual and Temporal, and Commons, assembled at Westminster, do resolve, that William and Mary, Prince and Princess of Orange, be, and be declared, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the Crown and royal dignity of the said kingdoms and dominions to them the said Prince and Princess during their lives, and the life of the survivor of them ; and that the sole and full exercise of the regal power be only in, and executed by, the said Prince of Orange, in the names of the said Prince and Princess, during their joint lives; and after their deceases, the said Crown and royal dignity of the said kingdoms and dominions to be to the heirs of the body of the said Princess ; and for default of such issue to the Princess Anne of Denmark, and the heirs of her body ; and for default of such issue to the heirs of the body of the said Prince of Orange. And the Lords Spiritual and Temporal, and Commons, do pray the said Prince and Princess to accept the same accordingly.

III. And that the oaths hereafter mentioned be taken by all persons of whom the oaths of allegiance and supremacy might be required by law, instead of them ; and that the said oaths of allegiance and supremacy be abrogated.

I, A. B., do sincerely promise and swear, That I will be faithful and bear true allegiance to their Majesties King William and Queen Mary.

So help me God.

I, A. B., do swear, That I do from my heart, abhor, detest, and abjure as impious and heretical, that damnable doctrine and position, that Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare That no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority ecclesiastical or spiritual, within this realm.

So help me God.

IV. Upon which their said Majesties did accept the Crown and royal dignity of the kingdoms of England, France, and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said Lords and Commons contained in the said declaration.

V. And thereupon their Majesties were pleased, that the said Lords Spiritual and Temporal, and Commons, being the two Houses of Parliament, should continue to sit, and with their Majesties' royal concurrence make effectual provision for the settlement of the religion, laws, and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted; to which the said Lords Spiritual and Temporal, and Commons, did agree and proceed to act accordingly.

VI. Now in pursuance of the premises, the said Lords Spiritual and Temporal and Commons, in parliament assembled, for the ratifying, confirming, and establishing the said declaration, and the articles, clauses, matters, and things therein contained, by the force of a law made in due form by authority of parliament, do pray that it may be declared and enacted, That all and singular the rights and liberties asserted and claimed in the said declaration, are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed, and taken to be, and that all and every the particulars aforesaid shall be firmly and strictly holden and observed, as they are expressed in the said declaration; and all officers and ministers whatsoever shall serve their Majesties and their successors according to the same in all times to come.

VII. And the said Lords Spiritual and Temporal, and Commons, seriously considering how it hath pleased Almighty God, in His marvellous providence, and merciful goodness to this nation, to provide and preserve their said Majesties' royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto Him from the bottom of their hearts their humblest thanks and praises, do truly, firmly, assuredly, and in the sincerity of their hearts, think, and do hereby recognize, acknowledge, and declare, that King James II. having abdicated the government, and their Majesties having accepted the Crown and royal dignity aforesaid, their said Majesties did become, were, are, and of right ought to be, by the laws of this realm, our sovereign liege Lord and Lady, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, in and to whose princely persons the royal State, Crown, and dignity of the same realms, with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions and authorities to the same belonging and appertaining, are most fully, rightfully, and entirely invested and incorporated, united, and annexed.

VIII. And for preventing all questions and divisions in this realm, by reason of any pretended titles to the Crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquillity, and safety of this nation doth, under God, wholly consist and depend, the said Lords Spiritual and Temporall and Commons, do beseech their Majesties that it may be enacted, established, and declared, that the Crown and regal government of the said kingdoms and dominions, with all and singular the premises thereunto belonging and appertaining, shall be and continue to their said Majesties, and the survivor of them, during their lives, and the life of the survivor of them. And that the entire, perfect, and full exercise of the regal power and government be only in, and executed by, his Majesty, in the names of both of their Majesties during their joint lives; and after their deceases the said Crown and premises shall be and remain to the heirs of the body

of her Majesty: and for default of such issue, to her Royal Highness the Princess Anne of Denmark, and the heirs of her body; and for default of such issue, to the heirs of the body of his said Majesty: and thereunto the said Lords Spiritual and Temporal, and Commons, do, in the name of all the people aforesaid, most humbly and faithfully submit themselves, their heirs and posterities, for ever: and do faithfully promise, that they will stand to, maintain, and defend their said Majesties, and also the limitation and succession of the Crown herein specified and contained, to the utmost of their powers, with their lives and estates, against all persons whatsoever that shall attempt anything to the contrary.

IX. And whereas it hath been found by experience, that it is inconsistent with the safety and welfare of this Protestant kingdom, to be governed by a Popish prince, or by any king or queen marrying a Papist, the said Lords Spiritual and Temporal, and Commons, do further pray that it may be enacted, That all and every person and persons that is, are or shall be reconciled to, or shall hold communion with, the See or Church of Rome, or shall profess the Popish religion, or shall marry a Papist, shall be excluded, and be for ever incapable to inherit, possess, or enjoy the Crown and government of this realm, and Ireland, and the dominions thereunto belonging, or any part of the same, or to have, use, or exercise any regal power, authority, or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be and are hereby absolved of their allegiance; and the said Crown and government shall from time to time descend to, and be enjoyed by, such person or persons, being Protestants, as should have inherited and enjoyed the same, in case the said person or persons so reconciled, holding communion or professing, or marrying as aforesaid, were naturally dead.

X. And that every king and queen of this realm, who at any time hereafter shall come to and succeed in the Imperial Crown of this kingdom, shall, on the first day of the meeting of the first parliament, next after his or her coming to the Crown, sitting in his or her throne in the House of Peers, in the presence of the Lords and Commons therein assembled, or at his or her coronation, before such person or persons who shall administer the coronation oath to him or her, at the time of his or her taking the said oath (which shall first happen), make, subscribe, and audibly repeat the declaration mentioned in the statute made in the thirteenth year of the reign of King Charles II., intituled "An Act for the more effectual preserving the King's person and government, by disabling Papists from sitting in either House of Parliament." But if it shall happen, that such king or queen, upon his or her succession to the Crown of this realm, shall be under the age of twelve years, then every such king or queen shall make, subscribe, and audibly repeat the said declaration at his or her coronation, or the first day of meeting of the first parliament as aforesaid, which shall first happen after such king or queen shall have attained the said age of twelve years.

XI. All which their Majesties are contented and pleased shall be declared, enacted, and established by authority of this present parliament, and shall stand, remain, and be the law of this realm for ever; and the same are by their said Majesties, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in parliament assembled, and by the authority of the same, declared, enacted, or established accordingly.

XII. And be it further declared and enacted by the authority aforesaid, That from and after this present session of parliament, no dispensation by *non obstante* of or to any statute or any part thereof shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present session of parliament.

XIII. Provided that no charter, or grant, or pardon granted before the three-and-twentieth day of October, in the year of our Lord One thousand six hundred eighty-nine, shall be any ways impeached or invalidated by this Act, but that the same shall be and remain of the same force and effect in law, and no other, than as if this Act had never been made (*Statutes of the Realm*, vi. 142-5).

V.

LORD HIGH CHANCELLORS AND LORD KEEPERS OF ENGLAND.

THE Speaker of the House of Lords is the Lord Chancellor or the Lord Keeper of the Great Seal. Although now an influential legal personage, as he was formerly a distinguished ecclesiastic, his position as Speaker cannot compare in importance with that of the Speaker of the Lower House. The Lord Chancellor's official duties are chiefly confined to putting the question to the House, but he is allowed to take part in debates and to vote as an ordinary member.

The following is a list of the Lord High Chancellors and Lord Keepers of England since the Conquest :—

	A.D.
Herfast, afterwards Bishop of Elmham	1068
Osbern, Bishop of Exeter	1070
Osmund, Bishop of Salisbury	1073
Maurice, Bishop of London	1078
William de Beaufeu, Bishop of Thetford	1083
William Gifford	1086
Robert Bloet	1090
Waldric	1093
William Gifford	1094
Roger, Bishop of Salisbury	1101
William Gifford	1103
Waldric	1104
Ranulf	1107
Geoffrey Rufus	1124
Roger of Salisbury	1135
Philip	1139
Theobald, Archbishop of Canterbury	1142
Thomas Becket	1154
Ralph de Warneville	1173
Geoffrey Plantagenet, Archbishop of York	1182
William de Longchamp	1189
Eustace, Bishop of Ely	1197
Hubert Walter, Archbishop of Canterbury	1199
Walter de Grey, Archbishop of York	1205
Peter des Roches, Bishop of Winchester	1213
Walter de Grey — January	1214
Richard de Marisco — October	1214
Ralph Neville	1226
Simon de Cantilupe	1238
Richard, Abbot of Evesham	1240
Silvester of Eversden	1242
John Mansel	1246
William de Kilkenny	1250
Henry Wingham, Bishop of London	1255
Walter de Merton, Bishop of Rochester	1258
Nicholas of Ely	1260
Walter de Merton	1261
Nicholas of Ely	1263
Thomas de Cantilupe — February	1265
Walter Giffard — August	1265
Godfrey Giffard	1266
John Chishull	1268
Richard Middleton	1269
John Kirkeby	1272
Walter de Merton	1272
Robert Burnell	1273
John Langton	1292
William Greenfield	1302
William Hamilton	1304
Ralph de Baldock	1307
John Langton	1307
Walter Reynolds, Bishop of Worcester	1310
John Sandall	1314
John Hotham, Bishop of Ely	1318
John Salmon, Bishop of Norwich	1320
Robert de Baldock	1323
John Hotham — January	1327
Henry de Clyff — March	1327
Henry de Burghersh, Bishop of Lincoln — May	1327
John Stratford, Bishop of Winchester	1330
Richard Bury, Bishop of Durham	1334
John Stratford, Archbishop of Canterbury	1335
Robert Stratford	1337
Richard Bynterworth, Bishop of London	1338
Archbishop Stratford — April	1340
Robert Stratford, Bishop of Chichester — July	1340
William Kildesby — December	1340
Sir Robert Bourchier — December 14th	1340
Sir Robert Parwyng	1341
Robert Sadyngton	1343
John Ufford	1345
John Thoresby, Bishop of St. David's	1349
William Edington, Bishop of Winchester	1356
Simon Langham, Bishop of Ely	1363
William of Wykeham, Bishop of Winchester	1367
Sir Robert Thorpe	1371
Sir Richard Scrope	1372
Sir John Knyvett — July	1372
Adam Houghton, Bishop of St. David's	1377
Sir R. Scrope	1378
Simon of Sudbury, Archbishop of Canterbury	1379
Richard, Earl of Arundel	1381
Robert Braybrooke, Bishop of London	1382
Sir Michael de la Pole	1383
Thomas Arundel, Archbishop of Canterbury	1386
William of Wykeham	1389
Archbishop Arundel	1391
Edmund Stafford, Bishop of Exeter	1396
Archbishop Arundel	1399
John Scarle	1399
Edmund Stafford	1401
Henry Beaufort, Bishop of Lincoln	1403
Thomas Langley, Bishop of Durham	1405
Thomas Arundel	1407
Thomas Beaufort, Earl of Dorset	1410
Archbishop Arundel	1412

	A.D.
Henry Beaufort, Bishop of Winchester	1418
Bishop Longley	1417
Simon Ganstede	1422
Henry Beaufort	1424
John Kemp, Bishop of London	1426
John Stafford, Bishop of Bath and Wells	1432
John Kemp, Archbishop of York	1450
Richard Neville, Earl of Salisbury	1454
Thomas Bourchier, Archbishop of Canterbury	1455
William of Waynflete, Bishop of Winchester	1456
Thomas Bourchier, Archbishop of Canterbury	1460
George Neville, Bishop of Exeter	1460
Robert Kirkeham	1463
Robert Stillington, Bishop of Bath and Wells	1467
Laurence Booth, Bishop of Durham	1473
Thomas Rotheram, Bishop of Lincoln	1475
John Russell, Bishop of Lincoln	1483
Thomas Barowe	1485
Bishop Alcock	1485
Archbishop Morton	1487
Henry Deane	1500
William Warham, Archbishop of Canterbury	1504
Cardinal Wolsey	1525
Sir Thomas More	1529
Sir Thomas Audley	1532
Thomas, Lord Wriothesley	1544
William Paulet, Lord St. John	1547
Richard, Lord Rich	1547
Thomas Goodrich, Bishop of Ely	1551
Stephen Gardiner, Bishop of Winchester	1553
Nicholas Heath, Archbishop of York	1556
Sir Nicholas Bacon	1558
Sir Thomas Bromley	1579
Sir Christopher Hatton	1587
William Cecil, Lord Burleigh	1591
Sir John Puckering	1592
Sir Thomas Egerton	1596
Sir Francis Bacon	1617
John Williams, Bishop of Lincoln	1621
Sir Thomas Coventry	1625
Sir John Finch	1640
Sir Edward Littleton	1641
Sir Richard Lane	1645
Great Seal in Commission	1649—1660
Edward Hyde, Earl of Clarendon	1660
Sir Orlando Bridgeman	1667
Anthony Ashley, Earl of Shaftesbury	1672
Heneage Finch, Lord Nottingham	1675
Francis North, Lord Guildford	1682
George, Lord Jeffreys	1685
Great Seal in Commission	1689—1693
John, Lord Somers	1693
Sir Nathan Wright	1700
William, Lord Cowper	1705
Simon, Lord Harcourt	1710
Lord Cowper	1714
Thomas, Lord Parker	1718
Peter, Lord King	1725
Charles, Lord Talbot	1733
Philip Yorke, Lord Hardwicke	1737
Robert, Lord Henley	1757
Charles, Lord Camden	1766
Charles Yorke, Lord Morden	1770
Henry Bathurst, Lord Apsley	1771
Edward, Lord Thurlow	1778
Alexander, Lord Loughborough	1793
John Scott, Lord Eldon	1801
Thomas, Lord Erskine	1806
Lord Eldon	1807
John Singleton Copley, Lord Lyndhurst	1827
Henry, Lord Brougham	1830
Lord Lyndhurst	1834
Charles Pepys, Lord Cottenham	1836
Lord Lyndhurst	1841
Lord Cottenham	1846
Thomas Wilde, Lord Truro	1850
Edward Sugden, Lord St. Leonards February 27th	1852
Robert Rolfe, Lord Cranworth . Dec. 18th	1852
Frederic Thesiger, Lord Chelmsford	1858
John, Lord Campbell	1859
Richard Bethell, Lord Westbury	1861
Lord Cranworth	1865
Lord Chelmsford	1866
Hugh Cairns, Lord Cairns	1868
William Page Wood, Lord Hatherley	1868
Roundell Palmer, Lord Selborne	1872
Earl Cairns	1874
Earl Selborne	1880
Lord Halsbury	1885
Lord Herschell	1886
Lord Halsbury	1886
Lord Herschell	1892

VI.

SPEAKERS OF THE HOUSE OF COMMONS.

THE Speaker of the House of Commons is a much more important person, from the constitutional point of view, than the Lord Chancellor, or Speaker of the House of Lords. The Speaker of the House of Commons not only presides over the debates and puts the question, but he maintains order, enforces the decrees of the House, and acts generally as its representative; while it is also through him that the Commons have access to the sovereign. The Speaker is the first commoner in the realm; but he can take no part in debates, and has no vote unless the numbers are equal, when he gives a casting vote. This important office, which is much coveted, is filled by vote of the Commons, subject to the royal approbation. Although the office of

Speaker is undoubtedly of ancient origin, the position and title were only definitely settled in 1377. The following is a complete list of the Speakers since that date:—

	A.D.
Sir Thomas Hungerford	1377
Sir Peter de la Mare	1377
Sir James Pickering	1378
Sir John Goldesburgh	1379
Sir Richard de Waldsgrave	1381
Sir James Pickering	1382
Sir John Bushey	1393
Sir John Cheyne (ill)	1399
John Doreward	1400
Sir Arnold Savage	1401
Sir Henry de Redeford	1402
Sir Arnold Savage	1404
Sir William Esturmy	1405
Sir John Tibetot	1406
Thomas Chaucer	1408
William Sturton (twenty days)	1413
John Doreward	1413
Wautir Hungerford	1414
Thomas Chaucer	1414
Richard Redman	1415
Sir Walter Beauchamp	1415
Roger Flower	1416
Roger Hurst	1420
Thomas Chaucer	1421
Richard Baynard	1421
Roger Flower	1422
John Russel	1423
Sir Thomas Wauton	1425
Sir Richard Vernon	1425
John Tyrrell	1427
William Alyngton	1429
John Tyrrell	1431
John Russel	1432
Roger Hurst	1433
John Bowes	1435
Sir John Tyrrell	1436
William Burley	1438
William Tresham	1439
William Burley	1444
William Tresham	1447
John Say	1449
Sir John Popham (ill, and was excused)	1449
William Tresham	1449
Sir William Oldhall	1450
Thomas Thorp (imprisoned)	1452
Sir Thomas Charlton	1452
Sir John Wenlock	1454
Thomas Tresham	1459
John Green	1460
Sir James Strangways	1461
John Say	1467
William Alyngton	1472
John Wood	1482
William Catesby	1484
Thomas Lovell	1485
John Mordaunt	1487
Sir Thomas Fitzwilliam	1489
Richard Empson	1491
Sir Reginald Bray	1495
Robert Drury	1495
Thomas Inglefield	1497
Edmund Dudley	1503
Thomas Inglefield	1510
Sir Robert Sheffield	1512
Thomas Nevile	1514
Sir Thomas More	1523
Thomas Audley	1529
Sir Humphrey Wingfield	1534

	A.D.
Richard Rich	1536
Sir Nicholas Hare	1539
Thomas Moyle	1542
Sir John Baker	1547
Sir James Dyer	1553
John Pollard	1553
Robert Brooke	1554
Clement Heigham	1554
John Pollard	1555
William Cordell	1558
Sir Thomas Gargrave	1559
Thomas Wyllyams	1562
Richard Onslow	1565
Christopher Wray	1571
Robert Bell	1572
John Popham	1581
Serjeant Puckering	1584
Serjeant Snagg	1589
Edward Coke	1592
Serjeant Yelverton	1596
Serjeant Crook	1601
Serjeant Philips	1603
Sir Randolph Crewe	1614
Serjeant Richardson	1620
Sir Thomas Crewe	1624
Sir Heneage Finch	1626
Sir John Finch	1628
John Glanvill	1640
William Lenthall	1640
Francis Rous	1653
William Lenthall	1654
Sir Thomas Widdrington	1656
Chaloner Chute	1659
Thomas Bamfield	1659
Sir Harbottle Grimston	1660
Sir Edward Turner	1661
Sir Job Charlton	1673
Edward Seymour	1673
Sir Robert Sawyer	1678
Edward Seymour	1678
Serjeant Gregory	1679
William Williams	1680
Henry Powle	1681
Sir John Trevor	1685
Henry Powle	1689
Sir John Trevor	1690
Paul Foley	1695
Sir Thomas Littleton	1698
Robert Harley	1701
John Smith	1705
Sir Richard Onslow	1708
William Bromley	1710
Sir Thomas Hanmer	1714
Spencer Compton	1715
Arthur Onslow	1728
Sir John Cust	1761
Sir Fletcher Norton	1770
Charles Cornwall	1780
William Grenville	1789
Henry Addington	1789
Sir John Mitford	1801
Charles Abbot	1802
Charles Manners Sutton	1817
James Abercromby	1835
Charles Shaw Lefevre	1839
John Evelyn Denison	1857
Henry B. W. Brand	1872
Arthur W. Peel	1884

VII.

PRIME MINISTERS.

Sir Robert Walpole was the first statesman with whom the title of Prime Minister is distinctively associated. He became First Lord of the Treasury and Prime Minister in March, 1721.

The following is a list of the Prime Ministers since that time, including Walpole :—

1721. Sir Robert Walpole
1742. Earl of Wilmington
1743. Henry Pelham
1754. Duke of Newcastle
1756. Duke of Devonshire
1757. Duke of Newcastle
1762. Earl of Bute
1763. George Grenville
1765. Marquis of Rockingham
1766. Earl of Chatham
1767. Duke of Grafton
1770. Lord North
1782. Marquis of Rockingham
1782. Earl of Shelburne
1783. Duke of Portland
1783. William Pitt
1801. Henry Addington
1804. William Pitt
1806. Lord Grenville
1807. Duke of Portland
1809. Spencer Perceval
1812. Earl of Liverpool
1827. George Canning
1827. Viscount Goderich
1828. Duke of Wellington
1830. Earl Grey
1834. Viscount Melbourne
1834. Sir Robert Peel
1835. Viscount Melbourne
1841. Sir Robert Peel
1846. Lord John Russell
1852. Earl of Derby
1852. Earl of Aberdeen
1855. Viscount Palmerston
1858. Earl of Derby
1859. Viscount Palmerston
1865. Earl Russell
1866. Earl of Derby
1868. Benjamin Disraeli
1868. William Ewart Gladstone
1874. Benjamin Disraeli (Earl of Beaconsfield)
1880. William Ewart Gladstone
1885. Marquis of Salisbury
1886. William Ewart Gladstone
1886. Marquis of Salisbury
1892. William Ewart Gladstone

VIII.

CHANCELLORS OF THE EXCHEQUER.

The office of Chancellor of the Exchequer is an ancient and important one. Besides his financial functions in connection with the Exchequer, he formerly presided with the Treasurer in equity cases, the Barons being the judges on the common law side. The appointment of the Chancellor dates from the reign of Edward II. The last case in which he exercised judicial functions was in 1735. The chief holders of the office have been referred to in the course of this work, but, for the sake of convenience, a list of the Chancellors of the Exchequer since 1717 is now appended :—

1717. James (Earl) Stanhope
1718. John Aislabie
1721. Sir Robert Walpole
1742. Samuel Sandys
1743. Henry Pelham
1754. Henry Bilson Legge / Sir G. Lyttelton
1756. Henry Bilson Legge

1757.	Henry Bilson Legge Viscount Barrington
1762.	Sir Francis Dashwood
1763.	George Grenville
1765.	William Dowdeswell
1766.	Charles Townshend
1767.	Lord North
1770.	Lord North
1782.	Lord John Cavendish
1783.	William Pitt
1801.	Henry Addington
1804.	William Pitt
1806.	Lord Henry Petty
1807.	Spencer Perceval
1809.	Spencer Perceval
1812.	Nicholas Vansittart Frederick John Robinson
1827.	George Canning
1827.	John Charles Herries
1828.	Henry Goulburn
1830.	Viscount Althorp
1834.	Viscount Althorp
1834.	Sir Robert Peel
1835.	Thomas Spring Rice Francis Thornhill Baring
1841.	Henry Goulburn
1846.	Sir Charles Wood
1852.	Benjamin Disraeli
1852.	William Ewart Gladstone
1855.	William Ewart Gladstone Sir George Cornewall Lewis
1858.	Benjamin Disraeli
1859.	William Ewart Gladstone
1865.	William Ewart Gladstone
1866.	Benjamin Disraeli
1868.	George Ward Hunt
1868.	Robert Lowe William Ewart Gladstone
1874.	Sir Stafford Northcote
1880.	William Ewart Gladstone
1883.	H. C. E. Childers
1885.	Sir M. Hicks-Beach
1886.	Sir William Harcourt
1886.	Lord Randolph Churchill
1886.	G. J. Goschen
1892.	Sir William Harcourt

IX.

PARLIAMENTS OF ENGLAND AND OF THE UNITED KINGDOM.

PARLIAMENTS OF ENGLAND.

The following list, from 15 John to the reign of Anne, is taken from the returns compiled by order of the House of Commons, and published in 1879:—

Year of reign.	A.D.
15 John	1213
10 Henry III.	1226
38 „	1254
45 „	1261
49 „	1264-5
3 Edward I.	1275
11 „	1282-3
11 „	1283
18 „	1290
22 „	1294
23 „	1295
24 „	1296
25 „	1297
26 „	1298
28 „	1299-1300
28 „	1300
29 „	1300-1
30 „	1302
33 „	1304-5
34 „	1306

Year of reign.	A.D.
35 Edward I.	1306-7
1 Edward II.	1307
1 „	1307-8
2 „	1309
5 „	1311
5 „	1311
5 „	1311-12
6 „	1312
6 „	1312-13
7 „	1313
7 „	1313
7 „	1314
8 „	1314
8 „	1314-15
9 „	1315 16
9 „	1316
10 „	1316
11 „	1318
12 „	1318
12 „	1319

Year of reign.		A.D.
14	Edward II.	1320
15	"	1321
15	"	1322
16	"	1322
17	"	1323-4
18	"	1324
19	"	1325
20	"	1326-7
1	Edward III.	1327
2	"	1327-8
2	"	1328
2	"	1328
2 & 3	"	1328-9
4	"	1329-30
4	"	1330
5	"	1331
5	"	1331
6	"	1331-2
6	"	1332
6	"	1332
8	"	1333-4
8	"	1334
9	"	1335
10	"	1335-6
10	"	1336
10	"	1336-7
11	"	1336-7
11	"	1337
12	"	1337-8
12	"	1338
12	"	1338-9
13	"	1339
13	"	1339-40
14	"	1340
14	"	1340
15	"	1341
16	"	1342
17	"	1343
18	"	1344
20	"	1346
21	"	1347-8
22	"	1348
22	"	1348-9
25	"	1350-1
25	"	1351-2
26	"	1352
27	"	1353
28	"	1354
29	"	1355
31	"	1357
32	"	1357-8
34	"	1360
34	"	1360-1
36	"	1362
37	"	1363
38	"	1364-5
40	"	1366
42	"	1368
43	"	1369

Year of reign.		A.D.
45	Edward III.	1370-1
45	"	1371
46	"	1372
47	"	1373
50	"	1375-6
51	"	1376-7
1	Richard II.	1377
2	"	1378
2	"	1379
3	"	1379-80
4	"	1380
5	"	1381
5	"	1382
6	"	1382
6	"	1382-3
7	"	1383
7	"	1384
8	"	1384
9	"	1385
10	"	1386
11	"	1387-8
12	"	1388
13	"	1389-90
14	"	1390
15	"	1391
16	"	1392
16	"	1392-3
17	"	1393-4
18	"	1394-5
20	"	1396-7
21	"	1397-8
23	"	1399
1	Henry IV.	1399
2	"	1400-1
3	"	1401-2
3	"	1402
5	"	1403
6	"	1404
7	"	1405-6
9	"	1407
11	"	1409-10
13	"	1411
14	"	1412-13
1	Henry V.	1413
2	"	1413-14
2	"	1414
3	"	1415
3	"	1415-16
4	"	1416
5	"	1417
7	"	1419
8	"	1420
9	"	1421
9	"	1421
1	Henry VI.	1422
2	"	1423
3	"	1425
4	"	1425-6
6	"	1427

Year of reign.	A.D.
8 Henry VI.	1429
9 „	1430-1
10 „	1432
11 „	1433
14 „	1435
15 „	1436-7
18 „	1439
20 „	1441-2
23 „	1444-5
25 „	1446-7
27 „	1448-9
28 „	1449
29 „	1450
31 „	1452-3
33 „	1455
38 „	1459
39 „	1460
1 Edward IV.	1461
3 „	1462-3
7 „	1467
9 „	1469
10 „	1470
12 „	1472
17 „	1477-8
22 „	1482-3
1 Richard III.	1483-4
1 Henry VII.	1485
3 „	1487
7 „	1491
11 „	1495
12 „	1496-7
1 Henry VIII.	1509-10
3 „	1511-12
6 „	1514-15
14 „	1523
21 „	1529
28 „	1536
31 „	1539
33 „	1541-2
37 „	1545
1 Edward VI.	1547
7 „	1552-3
1 Mary	1553
1 Mary	1554
1 and 2 Philip and Mary	1554
2 and 3 „ „	1555
4 and 5 „ „	1557-8
1 Elizabeth	1558-9
5 „	1562-3
14 „	1572
27 „	1584
28 „	1586
30&31 „	1588-9
35 „	1592-3
39 „	1597
43 „	1601
1 James I.	1603-4
12 „	1614
18 „	1620-1
21 „	1623-4
1 Charles I.	1625
1 „	1625-6
3 „	1627-8
16 „	1640
16 „ (Long Parliament)	1640
Interregnum	1653
„	1654
„	1656
„	1658-9
„	1659
12 Charles II.	1660-1 [1]
13 „ {the Long or Pensionary Parliament}	1661
31 „	1678-9
31 „	1679
33 „	1680 1
1 James II.	1685
Convention	1688-90
2 William and Mary	1689-90
7 William III.	1695
10 „	1698
12 „	1700-1
13 „	1701
1 Anne	1702
4 „	1705

PARLIAMENTS OF GREAT BRITAIN.

Year of reign.	A.D.
6 Anne	1707 [2]
7 „	1708
9 „	1710
12 „	1713
1 George I.	1715
8 „	1722
1 George II.	1727
8 „	1734
15 „	1741
21 George II.	1747
27 „	1754
1 George III.	1761
8 „	1768
15 „	1774
21 „	1780
24 „	1784
30 „	1790
36 „	1796

[1] The official return dates the commencement of the reign of Charles II. from his father's decease. The return ends with the first Parliament of Anne, but we have added her second Parliament, during whose sittings the union with Scotland was carried.

[2] This was really a continuation of the Parliament of 4 Anne.

PARLIAMENTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

Year of reign.	A.D.	Year of reign.	A.D.
41 George III.	1801 [1]	5 Victoria	1841
42 „	1802	11 „	1847
47 „	1806	16 „	1852
47 „	1807	20 „	1857
53 „	1812	22 „	1859
58 „	1818	29 „	1866
1 George IV.	1820	32 „	1868
7 „	1826	37 „	1874
1 William IV.	1830	43 „	1880
1 „	1831	49 „	1885
3 „	1833	50 „	1886
5 „	1835	56 „	1892
1 Victoria	1837		

X.

PRINCIPAL ACTS, ORDINANCES, ETC., SINCE THE CONQUEST.

The following is a list of the principal legislative acts, ordinances, etc., since the Norman Conquest :—

1086. Domesday Book.
Undated act or charter separating the spiritual jurisdiction from the secular courts of law.

1100. Charter of Liberties.
1136. Stephen's charter.
1154. Charter of Henry II.
1159. Scutage regularly instituted.
1164. The Constitutions of Clarendon.
1166. Assize of Clarendon.
1176. Assize of Northampton.
1181. Assize of Arms.
1184. Assize of the Forest.
1188. Saladin Tithe, the first tax upon personal property.

1215. The Great Charter.
1217. Charter of Forests.
1258. Provisions of Oxford.
1259. Provisions of Westminster re-enacted as a statute, 1267.
1266. The Dictum of Kenilworth.
1275. First Statute of Westminster.
1279. Statute of Mortmain, or De religiosis.
1284. Statute of Wales.
1285. Statute of Westminster II.
1285. Statute of Winchester.
1290. Statute of *Quia Emptores.*
1297. *Confirmatio Cartarum.*

1310. Ordinances of the Lords Ordainers.
1349. First Statute of Labourers.
1351. First Statute of Provisors.
1352. First Statute of Treasons.
1353. First Statute of Præmunire.
1362. Act forbidding subsidies on wool without consent of Parliament.
1373. Act granting tunnage and poundage for two years
1379. Act for a graduated poll-tax.
1382. Statute against heretic preachers.
1390. Statutes of Provisors re-enacted.
1391. Statutes of Mortmain re-enacted.
1393. Great Statute of Præmunire.

1401. Act de Heretico Comburendo (statute against heretics).
1414. New statute against the Lollards.
1484. Statute abolishing benevolences.
1488. Statute of Liberty and Maintenance.
1489. Statute of Fines.

1532. Act reforming the spiritual courts.

[1] This was really a continuation of the previous Parliament of Great Britain.

1533. Act for restraining all appeals to Rome.
1534. Act forbidding payment of annates to Rome.
1534. Act abolishing the authority of the Pope in England.
1535. Act of Supremacy, declaring King head of the Church.
1536. Act restricting benefit of clergy.
1539. The Act of the Six Articles.
1539. The King's proclamation declared as valid as act of Parliament.
1547. Severe acts against vagrancy.
1549. Act for uniformity of service.
1552. Second Act of Uniformity.
1555. Persecuting statutes against heretics.
1559. Elizabeth's Act of Supremacy.
Act of Uniformity.
1562. Act against Roman Catholics.
1571. Acts against Roman Catholics.
1593. Acts against Puritans and Romanists.

1601 First regular poor-law.
1624. Monopolies declared illegal.
1628. Petition of Right.
1634. A writ for ship-money issued.
1641. The Triennial Act.
1641. Statutes abolishing the Star-chamber, etc.
1641. Statutes against ship-money.
1641. The Grand Remonstrance.
1642. Universal tax on property and incomes.
1645. Self-denying Ordinance.
1649. Act declaring England a commonwealth.
1651. Navigation Act.
1653. Instrument of Government.
1657. Humble Petition and Advice.
1660. Act of Indemnity and Oblivion.
1661. Corporation Act.
1662. Act of Uniformity.
1664. Conventicle Act.
Triennial Act repealed.
1665. Five Mile Act.
1672. Declaration of Indulgence.
1673. Test Act.
1678. Disabling act against Papists.
1679. Habeas Corpus Act.
1687. Declaration of Indulgence (James II.).
1689. Declaration of Right.
1689. Mutiny Act.
1689. Toleration Act.
1689. Bill of Rights.
1693. National Debt originated.
1693. Land Tax Act.
1694. The Triennial Act.
1694. Bank of England established.
1695. Bribery Act.

1701. Act of Settlement, or Succession Act.
1707. Act of Union with Scotland.
1708. Act disqualifying holders of pensions and offices.
1711. Property Qualification Act.
1711. Occasional Conformity Act.
1712. Scottish Patronage Act.
1712. First stamp duty imposed.
1714. Schism Act.
1715. Riot Act.
1716. Septennial Act.
1719. Statute authorising legislation for Ireland.
1742. The Place Act.
1751. Reformation of the Calendar Act.
1753. Lord Hardwicke's Marriage Act.
1757. National Militia Act.
1762. Bribery Act.
1765. The American Stamp Act.
1767. Act taxing American imports.
1770. Election Petitions Act.
1772. Royal Marriage Act.
1773. India Regulation Act.
1774. Boston Port Act.
1778. Roman Catholic Relief Act.
1781. Irish Permanent Mutiny Act.
1782. Act conceding legislative independence for Ireland.
1782. Gilbert's Workhouses Act.
1784. Pitt's India Act.
1786. Sinking Fund Act.
1791. Canada Act.
1792. Fox's Libel Act.
1793. Alien Act.
Traitorous Correspondence Act.
1793. Catholic Relief Act for Scotland.
1795. Treasonable Practices Act.
1795. Seditious Meetings Act.
1798. Income Tax Act.

1800. Act of Union with Ireland.
1800. Corresponding Societies Act.
1807. Slave Trade Abolition Act.
1811. Regency Act.
1812. Insolvent Debtors' Relief Act.
1812. Relief acts for Dissenting ministers and Unitarians.
1815. Corn Importation Act.
1817. Habeas Corpus Suspension Act.
1817. Seditious Meetings Act.
1817. Military and Naval Officers' Oath Act.
1818. Act of Indemnity.
1819. Six Acts.
1819. Act for resumption of cash payments.

1823. Reciprocity of Duties Act.
1823. Peel's Currency Act.
1824. Acts in favour of workmen.
1828. Repeal of Test and Corporation Acts.
1829. Catholic Emancipation Act.
1832. Reform Act.
1833. Quakers' Affirmation Act.
1833. Irish Coercion Act.
1833. Church Temporalities (Ireland) Act.
1833. Slavery Emancipation Act.
1833. Children's Factory Act.
1834. Poor Law Amendment Act.
1835. Municipal Reform Act.
1836. Tithe Commutation Act.
1838. Irish Poor Law Act.
1838. Irish Tithes Commutation Act.
1840. Irish Municipal Act.
1843. Irish Arms Act.
1844. Bank Charter Act.
1845. Maynooth Act.
1846. Act for the repeal of the corn laws.
1847. Factory Act.
1847. Irish Coercion Act.
1848. Treason Felony Act.
1849. Irish Encumbered Estates Act.
1849. Navigation laws repealed.
1851. Ecclesiastical Titles Act.
1852. Bribery Act.
1854. Corrupt Practices Act.
1855. Repeal of the newspaper duty.
1858. Property Qualification Abolition Act.
1858. India Act.
1858 Jewish Disabilities Removal Act.
1860. Landlord and Tenant (Ireland) Act.
1861. Paper duty abolished.
1861. Bankruptcy Act.
1865. Poor Law Union Chargeability Act.
1866. Habeas Corpus (Ireland) Suspension Act.
1867 Reform Act.
1868. Compulsory Church Rates Abolition Act.
1869. Irish Church Disestablishment Act.
1869. Endowed Schools Act.
1870. The Irish Land Act.
1870. Elementary Education Act.
1870. Peace Preservation (Ireland) Act.
1871 University Tests Abolition Act.
1871. Army Regulation Act.
1871. Purchase abolished by royal warrant.
1872. The Ballot Act.
1872. Licensing Act.
1873. Judicature Act.
1873. Religious Tests (Dublin University) Abolition Act.
1874. Public Worship Regulation Act.
1874. Endowed Schools Amendment Act.
1875. Artisans' Dwelling Act.
1875. Regimental Exchanges Act.
1875. Peace Preservation (Ireland) Act.
1875. Agricultural Holdings Act.
1875. Land Transfer Act.
1875. Merchant Shipping Act.
1876. Additional Titles Act.
1877. South African Act.
1879. Army Discipline and Regulation Act.
1879. Irish University Act.
1880. Relief of Distress (Ireland) Acts.
1880. Abolition of the malt tax.
1880. Burials Act.
1880. Ground Game Act.
1880. Employers' Liability Act.
1881. Protection for Life and Property (Ireland) Act.
1881. Peace Preservation Act.
1881. Irish Land Act.
1881. Regulation of the Forces Act and the Army Act.
1882. Prevention of Crimes (Ireland) Act.
1882. The Arrears (Ireland) Act.
1882. Married Women's Property Act.
1882. Government Annuities Act.
1883. Corrupt Practices Act.
1883. Tenants' Compensation Act.
1884. Reform Act.
1884. National Debt Act.
1885. Redistribution Act.
1885. Land Purchase (Ireland)Act.
1885. Criminal Law Amendment Act.
1885. Housing of the Working Classes Act.
1886. International Copyright Act.
1886. Parliamentary Expenses Act.
1886. Ireland Crofters Act.
1887. Irish Coercion Act.

SCOTS ACTS, ETC.

The following are the principal acts, etc., of the Parliament of Scotland :—

1367. Act regulating supplies to the Crown.
1369. Lords of the Articles appointed.
1371. Act of Settlement.

1449. Act against vagrants.
1454. Act touching the Crown estate.
1496. Statute against papal intervention.

1532. The Court of Session founded.
1560. Acts establishing the Reformation.
1561. Act against witchcraft.
1592. Act establishing the Presbyterian Church.

1612. Acts restoring episcopacy.
1621. The Five Articles of Perth.
1639. Act abolishing episcopacy.
1654. Union of England and Scotland by ordinance.
1661. Episcopacy restored.
1661. Permanent militia established.
1689. Episcopacy abolished. William and Mary proclaimed.

1703. Act declaring the Presbyterian Church to be the only true Church.
1704. Act of Security.
1707. Act of Union between England and Scotland.

IRISH ACTS, ETC.

The following are the chief acts, etc., of the Irish Parliament :—

1295. The first Irish Parliament passes acts against military expeditions, etc.

1310. Acts restraining the great lords.
1367. The Statute of Kilkenny.

1459. Act of the Irish Parliament asserting its independence of English legislation.
1495. Poynings' Law.

1536. Act of Supremacy, repealed in 1556, but re-enacted with the Act of Uniformity in 1660.
1542. Statute conferring the title of "King of Ireland" on Henry VIII.

1652. Cromwellian settlement.
1661. Act of Settlement.
1691 Catholics forbidden to sit in Parliament.
1695. Statute repealing all the acts of James II.'s Parliament, 1691.

1719. Toleration Act.
1779. Act admitting Dissenters to office in Ireland.
1782. Grattan's declaration of right accepted.
1792-3. Catholic relief bills passed.
1793. Act restoring the franchise to Catholics.

1800. Act for the Union of Great Britain and Ireland.

XI.

MINISTRIES OF QUEEN VICTORIA.

The following is a list of the Administrations during the reign of her Majesty :—

LORD MELBOURNE'S MINISTRY, 1835-41.

Prime Minister	Lord Melbourne.
First Lord of the Treasury	
Lord Chancellor	Lord Cottenham.
Lord President of the Council	Marquis of Lansdowne.
Lord Privy Seal	Lord Duncannon.*
	Earl of Clarendon.
Chancellor of the Exchequer	Spring Rice.
	F. T. Baring.
Home Secretary	Lord John Russell.
	Marquis of Normanby.
Foreign Secretary	Lord Palmerston.
Colonial Secretary	Lord Glenelg.
	Marquis of Normanby.
	Lord John Russell.
Secretary for War	Viscount Howick.
	T. B. Macaulay.
President of the Board of Control	Sir J. C. Hobhouse.
Board of Trade	C. P. Thomson.
	H. Labouchere.
Duchy of Lancaster	Lord Holland.
	Earl of Clarendon.
Postmaster-General	Earl of Lichfield.
First Lord of the Admiralty	Earl of Minto.
Lord Lieutenant of Ireland	Earl of Mulgrave.
Chief Secretary for Ireland	Lord Morpeth.
Chief Commissioner of Public Works	Viscount Duncannon.
Attorney-General	Sir J. Campbell.
Solicitor-General	Sir R. M. Rolfe.
	Sir T. Wilde.
Lord Advocate of Scotland	J. A. Murray.

SIR ROBERT PEEL'S MINISTRY, Sept. 1841.

Prime Minister	Sir Robert Peel.
First Lord of the Treasury	
Lord Chancellor	Lord Lyndhurst.
Lord President of the Council	Lord Wharncliffe.
Lord Privy Seal	Duke of Buckingham.
	Duke of Buccleuch.
Chancellor of the Exchequer	H. Goulburn.
Home Secretary	Sir J. Graham.
Foreign Secretary	Lord Palmerston.
Colonial Secretary	Lord Stanley.
	W. E. Gladstone.
Secretary for War	Sir H. Hardinge.
	Sir T. Fremantle.
	Sidney Herbert.
President of the Board of Control	Lord Ellenborough.
	Lord Fitzgerald.
	Earl of Ripon.
Board of Trade	Earl of Ripon.
	W. E. Gladstone.
Duchy of Lancaster	Lord G. Somerset.
Postmaster-General	Lord Lowther.
First Lord of the Admiralty	Earl of Haddington.
Lord Lieutenant of Ireland	Viscount Ebrington.
	Earl de Grey.
	Lord Heytesbury.
Chief Secretary for Ireland	Lord Eliot.
	Sir T. Fremantle.
Chief Commissioner of Public Works	Earl of Lincoln.
Attorney-General	Sir T. Wilde.
	Sir F. Pollock.
	Sir W. Follett.
	Sir F. Thesiger.
Solicitor-General	Sir W. Follett.
	Sir F. Thesiger.
Lord Advocate of Scotland	Sir William Rae.
	D. McNeil.

LORD JOHN RUSSELL'S MINISTRY, 1846.

Prime Minister	Lord John Russell.
First Lord of the Treasury	
Lord Chancellor	Lord Cottenham.
	Lord Truro.
Lord President of the Council	Marquis of Lansdowne.
Lord Privy Seal	Earl of Minto.
Chancellor of the Exchequer	Sir C. Wood.
Home Secretary	Sir G. Grey.
Foreign Secretary	Lord Palmerston.
	Earl Granville.
Colonial Secretary	Earl Grey.
Secretary for War	Fox Maule.
President of the Board of Control	Sir J. C. Hobhouse.
	Lord Dalhousie.
Board of Trade	Earl of Clarendon.
	H. Labouchere.
Duchy of Lancaster	Lord Campbell.
	Earl of Carlisle.
Postmaster-General	Marquis of Clanricarde.
First Lord of the Admiralty	Earl of Auckland.
	Sir F. T. Baring.
Lord Lieutenant of Ireland	Earl of Bessborough.
	Earl of Clarendon.
Chief Secretary for Ireland	H. Labouchere.
	Sir W. Somerville.
Chief Commissioner of Public Works	Lord Seymour.
Attorney-General	Sir J. Jervis.
	Sir J. Romilly.
	Sir A. J. E. Cockburn.
Solicitor-General	Sir D. Dundas.
	Sir J. Romilly.
Lord Advocate of Scotland	A. Rutherford.

* Where changes occurred the names of the original holder of the office and of his successor or successors are given.

LORD DERBY'S MINISTRY, February 1852.

Prime Minister ..	Earl of Derby.
First Lord of the Treasury	
Lord Chancellor ..	Lord St. Leonards.
Lord President of the Council	Earl of Lonsdale.
Lord Privy Seal ..	Marquis of Salisbury.
Chancellor of the Exchequer	B. Disraeli.
Home Secretary ..	S. H. Walpole.
Foreign Secretary ..	Earl of Malmesbury.
Colonial Secretary ..	Sir J. Pakington.
Secretary for War ..	W. Beresford.
President of the Board of Control	J. E. Herries.
Board of Trade ..	J. W. Henley.
Duchy of Lancaster ..	R. A. Christopher.
Postmaster-General ..	Earl of Hardwicke.
First Lord of the Admiralty	Duke of Northumberland.
Lord Lieutenant of Ireland	Earl of Eglinton.
Chief Secretary for Ireland	Lord Naas.
Chief Commissioner for Public Works ..	Lord John Manners.
Attorney-General ..	Sir F. Thesiger.
Solicitor-General ..	Sir F. Kelly.
Lord Advocate of Scotland	John Inglis.

LORD ABERDEEN'S MINISTRY, December 1852.

Prime Minister ..	Earl of Aberdeen.
First Lord of the Treasury	
Lord Chancellor ..	Lord Cranworth.
Lord President of the Council	Earl Granville.
	Lord John Russell.
Lord Privy Seal ..	Duke of Argyll.
Chancellor of the Exchequer	W. E. Gladstone.
Home Secretary ..	Lord Palmerston.
Foreign Secretary ..	Lord John Russell.
	Earl of Clarendon.
Colonial Secretary ..	Duke of Newcastle.
	Sir George Grey.
Secretary for War ..	S. Herbert.
	Duke of Newcastle.
President of the Board of Control	Sir C. Wood.
Board of Trade ..	E. Cardwell.
Duchy of Lancaster ..	E. Strutt.
	Earl of Clarendon.
Postmaster-General ..	Viscount Canning.
First Lord of the Admiralty	Sir J. Graham.
Lord Lieutenant of Ireland	Earl of St. Germans.
Chief Secretary for Ireland	Sir J. Young.
Chief Commissioner of Public Works ..	Sir W. Molesworth.
Attorney-General ..	Sir A. J. E. Cockburn.
Solicitor-General ..	Sir R. Bethell.
Lord Advocate of Scotland	J. Moncreiff.

LORD PALMERSTON'S MINISTRY, February 1855.

Prime Minister ..	Viscount Palmerston.
First Lord of the Treasury	
Lord Chancellor ..	Lord Cranworth.
Lord President of the Council	Earl Granville.
Lord Privy Seal ..	Duke of Argyll.
	Earl of Harrowby.
Chancellor of the Exchequer	W. E. Gladstone.
	Sir G. C. Lewis.
Home Secretary ..	Sir George Grey.
Foreign Secretary ..	Earl of Clarendon.
Colonial Secretary ..	S. Herbert.
	Lord John Russell.
	Sir W. Molesworth.
	H. Labouchere.
Secretary for War ..	Lord Panmure.
President of the Board of Control	Sir C. Wood.
	R. Vernon Smith.
	E. Cardwell.
Board of Trade ..	Lord Stanley of Alderley.
Duchy of Lancaster ..	Earl of Harrowby.
	Mr. T. Baines.
Postmaster-General ..	Viscount Canning.
	Duke of Argyll.
First Lord of the Admiralty	Sir J. Graham.
	Sir G. Wood.
Lord Lieutenant of Ireland	Earl of Carlisle.
Chief Secretary for Ireland	E. Horsman.
Chief Commissioner of Public Works ..	Sir B. Hall.
Attorney-General ..	Sir A. J. Cockburn.
	Sir R. Bethell.
Solicitor-General ..	Sir R. Bethell.
	J. S. Wortley.
	Sir H. Keating.
Lord Advocate of Scotland	J. Moncreiff.

LORD DERBY'S MINISTRY, February 1858.

Prime Minister ..	Earl of Derby.
First Lord of the Treasury	
Lord Chancellor ..	Lord Chelmsford.
Lord President of the Council	Marquis of Salisbury.
Lord Privy Seal ..	Earl of Hardwicke.
Chancellor of the Exchequer	B. Disraeli.
Home Secretary ..	S. H. Walpole.
	S. Estcourt.
Foreign Secretary ..	Earl of Malmesbury.
Colonial Secretary ..	Lord Stanley.
	Sir E. B. Lytton.
Secretary for War ..	Colonel Peel.
Secretary for India ..	Lord Ellenborough.
	Lord Stanley.
Board of Trade ..	J. W. Henley.
	Earl of Donoughmore.
Duchy of Lancaster ..	Duke of Montrose.
Postmaster-General ..	Lord Colchester.
First Lord of the Admiralty	Sir J. Pakington.
Lord Lieutenant of Ireland	Earl of Eglinton.
Chief Secretary for Ireland	Lord Naas.
Chief Commissioner of Public Works ..	Lord John Manners.
Attorney-General ..	Sir F. Kelly.
Solicitor-General ..	Sir H. M. Cairns.
Lord Advocate of Scotland	Charles Baillie.

LORD PALMERSTON'S MINISTRY, June 1859.

Prime Minister ..	Viscount Palmerston.
First Lord of the Treasury	
Lord Chancellor ..	Lord Campbell.
	Lord Westbury.
	Lord Cranworth.
Lord President of the Council	Earl Granville.
Lord Privy Seal ..	Duke of Argyll.
	Marquis of Clanricarde.
Chancellor of the Exchequer	W. E. Gladstone.
Home Secretary ..	Sir G. C. Lewis.
	Sir G. Grey.
Foreign Secretary ..	Lord John Russell.
Colonial Secretary ..	Duke of Newcastle.
	E. Cardwell.
	S. Herbert.
Secretary for War ..	Sir G. C. Lewis.
	Earl de Grey.
Secretary for India ..	Sir C. Wood.
Board of Trade ..	T. Milner Gibson.
Duchy of Lancaster ..	Sir G. Grey.
	E. Cardwell.
	Earl of Clarendon.
Postmaster-General ..	Earl of Elgin.
	Duke of Argyll.
	Lord Stanley of Alderley.
First Lord of the Admiralty	Duke of Somerset.
Lord Lieutenant of Ireland	Earl of Carlisle.
Chief Secretary for Ireland	E. Cardwell.
	Sir R. Peel.
Chief Commissioner of Public Works ..	H. Fitzroy.
Attorney-General ..	Sir R. Bethell.
	Sir W. Atherton.
Solicitor-General ..	Sir W. Atherton.
	Sir R. Palmer.
Lord Advocate of Scotland	J. Moncreiff.

EARL RUSSELL'S MINISTRY, November 1865.

Prime Minister ..	Earl Russell.
First Lord of the Treasury	
Lord Chancellor ..	Lord Cranworth.
Lord President of the Council	Earl Granville.
Lord Privy Seal ..	Duke of Argyll.
Chancellor of the Exchequer	W. E. Gladstone.
Home Secretary ..	Sir G. Grey.
Foreign Secretary ..	Lord Clarendon.
Colonial Secretary ..	E. Cardwell.
Secretary for War ..	Earl de Grey.
	Marquis of Hartington.
Secretary for India ..	Sir C. Wood.
	Earl de Grey.
Board of Trade ..	T. Milner Gibson.
Duchy of Lancaster ..	G. J. Göschen.
Postmaster-General ..	Lord Stanley of Alderley.
First Lord of the Admiralty	Duke of Somerset.
Lord Lieutenant of Ireland	Earl of Carlisle.
Chief Secretary for Ireland	Sir R. Peel.
	C. Fortescue.
Attorney-General ..	Sir W. Atherton.
	Sir R. Palmer.
Solicitor-General ..	Sir R. Palmer.
	Sir R. P. Collier.
Lord Advocate of Scotland	J. Moncreiff.

LORD DERBY'S MINISTRY, June 1866.

Prime Minister ..	Earl of Derby.
First Lord of the Treasury	
Lord Chancellor ..	Lord Chelmsford.
Lord President of the Council	Duke of Buckingham.
	Duke of Marlborough.
Lord Privy Seal ..	Earl of Malmesbury.
Chancellor of the Exchequer	B. Disraeli.
Home Secretary ..	S. Walpole.
	G. Hardy.
Foreign Secretary ..	Lord Stanley.
Colonial Secretary ..	Earl of Carnarvon.
	Duke of Buckingham.
Secretary for War ..	General Peel.
	Sir J. Pakington.
Secretary for India ..	Viscount Cranborne.
	Sir S. Northcote.
Board of Trade ..	Sir S. Northcote.
	Duke of Richmond.
Duchy of Lancaster ..	Earl of Devon.
	Colonel W. Patten.
Postmaster-General ..	Duke of Montrose.
First Lord of the Admiralty	Sir J. Pakington.
	H. T. L. Corry.
Lord Lieutenant of Ireland	Marquis of Abercorn.
Chief Secretary for Ireland	Lord Naas.
Chief Commissioner of Public Works ..	Lord J. Manners.
Attorney-General ..	Sir J. Rolt.
Solicitor-General ..	Sir W. Bovill.
Lord Advocate of Scotland	George Patton.

MR. DISRAELI'S MINISTRY, February 1868.

Prime Minister ..	Mr. Disraeli.
First Lord of the Treasury	
Lord Chancellor ..	Lord Cairns.
Lord President of the Council	Duke of Marlborough.
Lord Privy Seal ..	Earl of Malmesbury.
Chancellor of the Exchequer	G. W. Hunt.
Home Secretary ..	Gathorne Hardy.
Foreign Secretary ..	Lord Stanley.
Colonial Secretary ..	Duke of Buckingham.
Secretary for War ..	Sir J. Pakington.
Secretary for India ..	Sir S. Northcote.
Board of Trade ..	Duke of Richmond.
Duchy of Lancaster ..	Colonel Wilson Patten.
Postmaster-General ..	Duke of Montrose.
First Lord of the Admiralty	H. T. L. Corry.
Lord Lieutenant of Ireland	Marquis of Abercorn.
Chief Secretary for Ireland	Earl of Mayo.
Chief Commissioner of Public Works ..	Lord J. Manners.
Attorney-General ..	Sir J. B. Karslake
Solicitor-General ..	Sir C. J. Selwyn.
	Sir R. Baggallay.
Lord Advocate of Scotland	E. S. Gordon.

MR. GLADSTONE'S MINISTRY, December 1868.

Prime Minister ..	Mr. Gladstone.
First Lord of the Treasury	
Lord Chancellor ..	Lord Hatherley.
Lord President of the Council	Earl de Grey.
Lord Privy Seal ..	Earl of Kimberley. Viscount Halifax.
Chancellor of the Exchequer	Robert Lowe.
Home Secretary ..	H. A. Bruce.
Foreign Secretary ..	Earl of Clarendon. Earl Granville.
Colonial Secretary ..	Earl Granville. Earl of Kimberley.
Secretary for War ..	E. Cardwell.
Secretary for India ..	Duke of Argyll.
Board of Trade ..	John Bright. C. Fortescue.
Duchy of Lancaster ..	Lord Dufferin.
Postmaster-General ..	Marquis of Hartington. W. Monsell.
First Lord of the Admiralty	H. C. E. Childers. G. J. Goschen.
Lord Lieutenant of Ireland	Earl Spencer.
Chief Secretary for Ireland	C. Fortescue. Marquis of Hartington.
Chief Commissioner of Public Works ..	A. H. Layard. A. S. Ayrton.
Attorney-General ..	Sir R. P. Collier.
Solicitor-General ..	Sir J. D. Coleridge.
Lord Advocate of Scotland	J. Moncreiff. G. Young.

MR. DISRAELI'S MINISTRY, March 1874.

Prime Minister ..	Mr. Disraeli (Earl of Beaconsfield).
First Lord of the Treasury	
Lord Chancellor ..	Lord Cairns.
Lord President of the Council	Duke of Richmond.
Lord Privy Seal ..	Earl of Malmesbury. Earl of Beaconsfield. Duke of Northumberland.
Chancellor of the Exchequer	Sir S. Northcote.
Home Secretary ..	R. A. Cross.
Foreign Secretary ..	Earl of Derby. Marquis of Salisbury.
Colonial Secretary ..	Earl of Carnarvon. Sir M. Hicks-Beach.
Secretary for War ..	G. Hardy. F. A. Stanley.
Secretary for India ..	Marquis of Salisbury. Viscount Cranbrook.
Board of Trade ..	Sir C. B. Adderley. Viscount Sandon.
Duchy of Lancaster ..	T. E. Taylor.
Postmaster-General ..	Lord J. Manners.
First Lord of the Admiralty	G. W. Hunt. W. H. Smith.
Lord Lieutenant of Ireland	Duke of Abercorn. Duke of Marlborough.
Chief Secretary for Ireland	Sir M. E. Hicks-Beach. James Lowther.
Chief Commissioner of Public Works ..	Lord H. G. Lennox. G. J. Noel.
Attorney-General ..	Sir J. B. Karslake. Sir R. Baggallay. Sir John Holker.
Solicitor-General ..	Sir R. Baggallay. Sir John Holker. Sir H. S. Giffard.
Lord Advocate of Scotland	E. S. Gordon. W. Watson.

MR. GLADSTONE'S MINISTRY, April 1880.

Prime Minister ..	Mr. Gladstone.
First Lord of the Treasury	
Lord Chancellor ..	Lord Selborne.
Lord President of the Council	Earl Spencer. Lord Carlingford.
Lord Privy Seal ..	Duke of Argyll. Lord Carlingford.
Chancellor of the Exchequer	W. E. Gladstone. H. C. E. Childers.
Home Secretary ..	Sir W. V. Harcourt.
Foreign Secretary ..	Earl Granville.
Colonial Secretary ..	Earl of Kimberley. Earl of Derby.
Secretary for War ..	H. C. E. Childers. Marquis of Hartington.
President of the Local Government Board..	J. G. Dodson. Sir C. Dilke.
Secretary for India ..	Marquis of Hartington. Earl of Kimberley.
Board of Trade ..	J. Chamberlain.
Duchy of Lancaster ..	John Bright. J. G. Dodson.
First Lord of the Admiralty	Earl of Northbrook.
Postmaster-General ..	H. Fawcett.
Lord Lieutenant of Ireland	Earl Cowper. Earl Spencer.
Chief Secretary for Ireland	W. E. Forster. Lord F. Cavendish. G. O. Trevelyan.
Chief Commissioner of Public Works ..	W. P. Adam. G. Shaw-Lefevre.
Attorney-General ..	Sir H. James.
Solicitor-General ..	Sir F. Herschell.
Lord Advocate of Scotland	J. M'Laren. J. B. Balfour.

LORD SALISBURY'S MINISTRY, June 1885.

Prime Minister ..	Marquis of Salisbury.
Foreign Secretary ..	
First Lord of the Treasury	Earl of Iddesleigh.
Lord Chancellor ..	Lord Halsbury.
Lord Chancellor of Ireland	Lord Ashbourne.
Lord President of the Council	Lord Cranbrook.
Lord Privy Seal ..	Lord Harrowby.
Chancellor of the Exchequer ..	Sir M. Hicks-Beach.
Home Secretary ..	Sir Richard Cross.
Colonial Secretary ..	Colonel Stanley.
Secretary for War ..	W. H. Smith. Lord Cranbrook.
Vice-President of the Committee of Council on Education ..	E. Stanhope.
Secretary for India ..	Lord Randolph Churchill.
Postmaster-General ..	Lord John Manners.
First Lord of the Admiralty	Lord George Hamilton.
Lord Lieutenant of Ireland	Lord Carnarvon.
President of the Board of Trade	Duke of Richmond.

President of the Local Government Board	Arthur Balfour.
Duchy of Lancaster	H. Chaplin.
Chief Secretary for India	Sir W. Hart-Dyke.
Chief Commissioner of Public Works	W. H. Smith.
Attorney-General	D. R. Plunket.
Solicitor-General	Sir R. E. Webster.
Lord Advocate of Scotland	Sir J. E. Gorst.

MR. GLADSTONE'S MINISTRY, February 1886.

Prime Minister	Mr. Gladstone.
First Lord of the Treasury	
Lord Chancellor	Lord Herschell.
President of the Council	Earl Spencer.
Home Secretary	H. C. E. Childers.
Foreign Secretary	Earl of Rosebery.
Colonial Secretary	Earl Granville.
Indian Secretary	Earl of Kimberley.
Secretary for India	Henry Campbell-Bannerman.
Chancellor of the Exchequer	Sir William Harcourt.
First Lord of the Admiralty	Marquis of Ripon.
President of the Local Government Board	J. Chamberlain.
Secretary for Scotland	G. O. Trevelyan.
President of the Board of Trade	A. J. Mundella.
Chief Secretary for Ireland	John Morley.
Lord Steward	Earl Sydney.
Attorney-General	Sir Charles Russell.
Postmaster-General	Lord Wolverton.
Duchy of Lancaster	E. Heneage.
Chief Commissioner of Public Works	Earl of Morley.
Lord Lieutenant of Ireland	Earl of Aberdeen.
Lord Advocate of Scotland	J. B. Balfour.

LORD SALISBURY'S MINISTRY, July 1886.

Prime Minister	Lord Salisbury.
First Lord of the Treasury	
Lord Chancellor	Lord Halsbury.
Lord Chancellor of Ireland	Lord Ashbourne.
Foreign Secretary	Lord Iddesleigh.
Secretary for War	W. H. Smith.
Chancellor of the Exchequer	Lord Randolph Churchill.
First Lord of the Admiralty	Lord George Hamilton.
Home Secretary	H. Matthews.
Secretary for Ireland	Sir M. Hicks-Beach.
Secretary for the Colonies	E. Stanhope.
Attorney-General	Sir R. Webster.
Lord Lieutenant of Ireland	Marquis of Londonderry.
Lord President of the Council	Lord Cranbrook.
President of the Board of Trade	Lord Stanley of Preston.
Secretary for Scotland	A. J. Balfour.
Chancellor of the Duchy of Lancaster	Lord John Manners.
Postmaster-General	H. C. Raikes.
Secretary for India	Lord Cross.
Lord Privy Seal	Earl Cadogan.
President of the Local Government Board	C. T. Ritchie.
Lord Advocate of Scotland	J. H. A. Macdonald.
Attorney-General for Ireland	H. Holmes.

In consequence of the lamented deaths of Lord Iddesleigh, Mr. W. H. Smith, and Mr. Raikes, and the retirement of Sir M. Hicks-Beach and Lord Randolph Churchill, considerable changes were subsequently made in the *personnel* and offices of this Ministry. Mr. Balfour became First Lord of the Treasury and leader of the House of Commons, Mr. Goschen Chancellor of the Exchequer, Mr. Jackson Secretary for Ireland, the Marquis of Lothian Secretary for Scotland, the Marquis of Salisbury Foreign Secretary, and Sir James Fergusson Postmaster-General. Sir M. Hicks-Beach rejoined the Government as President of the Board of Trade, and Mr. Chaplin took the new office of President of the Board of Agriculture

MR. GLADSTONE'S MINISTRY, August 1892.

Prime Minister	Mr. Gladstone.
First Lord of the Treasury	
Lord Chancellor	Lord Herschell.
Lord President of the Council	Earl of Kimberley.
Secretary for India	
Home Secretary	Mr. Asquith.
Foreign Secretary	Earl of Rosebery.
Colonial Secretary	Marquis of Ripon.
Secretary for War	Mr. Campbell-Bannerman.
First Lord of the Admiralty	Earl Spencer.
Chancellor of the Exchequer	Sir William Harcourt.
Chief Secretary for Ireland	Mr. John Morley.
Secretary for Scotland	Sir George Trevelyan.
Chancellor of the Duchy of Lancaster	Mr. Bryce.
President of the Board of Trade	Mr. Mundella.
President of the Local Government Board	Mr. H. H. Fowler.
Postmaster-General	Mr. Arnold Morley.
First Commissioner of Works	Mr. Shaw-Lefevre.
Vice-President of the Council	Mr. Arthur Acland.
Lord Lieutenant of Ireland	Lord Houghton.
Lord Chancellor of Ireland	Mr. Walker.
Lord Advocate of Scotland	Mr. J. B. Balfour.

XII.

CONSTITUENCIES OF THE UNITED KINGDOM.

THE House of Commons consists of six hundred and seventy members, who are returned by counties, county divisions, boroughs and wards of boroughs, and universities. By the Redistribution Acts of 1884-85, the more populous counties and boroughs were divided into districts, each of which elects a single member. The following is a list of the constituencies in the various divisions of the United Kingdom :—

ENGLAND.

COUNTIES.

Bedfordshire, 2 : Biggleswade, Luton.
Berkshire, 3 : Abingdon, Newbury, Wokingham.
Buckinghamshire, 3 : Buckingham, Aylesbury, Wycombe.
Cambridgeshire, 3 : Wisbech, Chesterton, Newmarket.
Cheshire, 8 : Wirral, Eddisbury, Macclesfield, Crewe, Northwich, Altrincham, Hyde, Knutsford.
Cornwall, 6 : St. Ives, Camborne, Truro, St. Austell, Bodmin, Launceston.
Cumberland, 4 : Eskdale, Penrith, Cockermouth, Egremont.
Derbyshire, 7 : High Peak, North-east, Chesterfield, West, Mid, Ilkeston, South.
Devonshire, 8: Honiton, Tiverton, South Molton, Barnstaple, Tavistock, Totnes, Torquay, Ashburton.
Dorsetshire, 4 : North, East, South, West.
Durham, 8 : Jarrow, Houghton-le-Spring, Chester-le-Street, North-west, Mid, South-east, Bishop Auckland, Barnard Castle.
Essex, 8 : Walthamstow, Romford, Epping, Saffron Walden, Harwich, Maldon, Chelmsford, South-east.
Gloucestershire, 5 : Stroud, Tewkesbury, Cirencester, Dean, Thornbury.
Hampshire, 6 : Basingstoke, Andover, Petersfield, Fareham, New Forest, Isle of Wight.
Herefordshire, 2 : Leominster, Ross.
Hertfordshire, 4 : Hitchin, Hertford, St. Albans, Watford.
Huntingdonshire, 2 : Huntingdon, Ramsey.
Kent, 8 : Sevenoaks, Dartford, Tunbridge, Medway, Faversham, Ashford, St. Augustine's, Thanet.
Lancashire, 23 : North Lonsdale, Lancaster, Blackpool, Chorley, Darwen, Clitheroe, Accrington, Rossendale, West Houghton, Heywood, Middleton, Radcliffe, Eccles, Stretford, Gorton, Prestwich, Southport, Ormskirk, Bootle, Widnes, Newton, Ince, Leigh.
Leicestershire, 4 : Melton, Loughborough, Bosworth, Harborough.
Lincolnshire, 7 : Gainsborough, Brigg, Louth, Horncastle, Sleaford, Stamford, Spalding.
Middlesex, 7 : Enfield, Tottenham, Hornsey, Harrow, Ealing, Brentford, Uxbridge.
Monmouthshire, 3 : North, West, South.
Norfolk, 6 : North-west, South-west, North, East, Mid, South.
Northamptonshire, 4 : North, East, Mid, South.
Northumberland, 4 : Wansbeck, Tyneside, Hexham, Berwick-on-Tweed.
Nottinghamshire, 4 : Bassetlaw, Newark, Rushcliffe, Mansfield.
Oxfordshire, 3 : Banbury, Woodstock, Henley.
Rutlandshire, 1.
Shropshire, 4 : Oswestry, Newport, Wellington, Ludlow.
Somersetshire, 7 : North, Wells, Frome, East, South, Bridgwater, Wellington,
Staffordshire, 7 : Leek, Burton, West, North-west, Lichfield, Kingswinford, Handsworth.
Suffolk, 5 : Lowestoft, Eye, Stowmarket, Sudbury, Woodbridge.
Surrey, 6 : Chertsey, Guildford, Reigate, Epsom, Kingston, Wimbledon.
Sussex, 6 : Horsham, Chichester, Grinstead, Lewes, Eastbourne, Rye.
Warwickshire, 4 : Tamworth, Nuneaton, Stratford-on-Avon, Rugby.
Westmoreland, 2 : Appleby, Kendal.
Wiltshire, 5 : Cricklade, Chippenham, Westbury, Devizes, Wilton.
Worcestershire, 5 : Bewdley, Evesham, Droitwich, North, East.

Yorkshire, 26: Thirsk and Malton, Richmond, Cleveland, Whitby, Holderness, Buckrose, Howdenshire, Skipton, Keighley, Shipley, Sowerby, Elland, Morley, Normanton, Colne Valley, Holmefirth, Barnsley, Hallamshire, Rotherham, Doncaster, Ripon, Otley, Barkston Ash, Osgoldcross, Pudsey, Spen Valley.

BOROUGHS.

Ashton-under-Lyne.
Aston Manor.
Barrow-in-Furness.
Bath, 2.
Bedford.
Birkenhead.
Birmingham, 7.
Blackburn, 2.
Bolton, 2.
Boston.
Bradford, 3.
Brighton, 2.
Bristol, 4.
Burnley.
Bury.
Bury St. Edmunds.
Cambridge.
Canterbury.
Carlisle.
Chatham.
Cheltenham.
Chester.
Christchurch.
Colchester.
Coventry.
Darlington.
Derby, 2.
Devonport, 2.
Dewsbury.
Dover.
Dudley.
Durham.
Exeter.
Falmouth and Penryn.
Gateshead.
Gloucester.
Grantham.
Gravesend.
Grimsby (Great).
Halifax, 2.
Hanley.
Hartlepool.
Hastings.
Hereford.
Huddersfield.
Hull, 3.
Hythe.
Ipswich, 2.
Kidderminster.
Leeds, 5.
Leicester, 2.
Lincoln.
Liverpool, 9.
London and Metropolitan Boroughs, 62: City (2), Battersea, Bethnal Green (2), Camberwell (3), Chelsea, Clapham, Croydon, Deptford, Finsbury (3), Fulham, Greenwich, Hackney (3), Hammersmith, Hampstead, Islington (4), Kensington (2), Lambeth (4), Lewisham, Marylebone (2), Newington (2), Paddington (2), St. George, St. Pancras (4), Shoreditch (2), Southwark (3), Strand, Tower Hamlets (7), Wandsworth, West Ham (2), Westminster, Woolwich.
Lynn Regis.
Maidstone.
Manchester, 6.
Middlesbrough.
Monmouth *district*.
Morpeth.
Newcastle under-Lyme.
Newcastle-upon-Tyne, 2.
Northampton, 2.
Norwich, 2.
Nottingham, 3.
Oldham, 2.
Oxford.
Peterborough.
Plymouth, 2.
Pontefract.
Portsmouth, 2.
Preston, 2.
Reading.
Rochdale.
Rochester.
St. Helen's.
Salford, 3.
Salisbury.
Scarborough.
Sheffield, 5.
Shields (South).
Shrewsbury.
Southampton, 2.
Stafford.
Stalybridge.
Stockport, 2.
Stockton.
Stoke-upon-Trent.
Sunderland, 2.
Taunton.
Tynemouth and North Shields.
Wakefield.
Walsall.
Warrington.
Warwick and Leamington.
Wednesbury.

West Bromwich.
Whitehaven.
Wigan.
Winchester.
Windsor.
Wolverhampton, 3.
Worcester.
Yarmouth (Great).
York, 2.

UNIVERSITIES.

Cambridge, 2.
London.
Oxford, 2.

WALES.

COUNTIES.

Anglesey.
Brecon.
Cardigan.
Carmarthen, 2.
Carnarvon, 2.
Denbigh, 2.
Flint.
Glamorgan, 5.
Merioneth.
Montgomery.
Pembroke.
Radnor.

BOROUGHS.

Cardiff *district*.
Carmarthen *district*.
Carnarvon *district*.
Denbigh *district*.
Flint *district*.
Merthyr-Tydvil, 2.
Montgomery *district*.
Pembroke *district*.
Swansea *district*.

SCOTLAND.

COUNTIES.

Aberdeen, 2.
Argyll.
Ayr, 2.
Banff.
Berwick.
Bute.
Caithness.
Clackmannan and Kinross.
Dumbarton.
Dumfries.
Edinburgh.
Elgin and Nairn.
Fife, 2.
Forfar.
Haddington.
Inverness.
Kincardine.
Kirkcudbright.
Lanark, 6.
Linlithgow.
Orkney and Shetland.
Peebles and Selkirk.
Perth, 2.
Renfrew, 2.
Ross and Cromarty.
Roxburgh.
Stirling.
Sutherland.
Wigtown.

BOROUGHS.

Aberdeen, 2.
Ayr Burghs: Ayr, Campbelltown, Inverary, Irvine, Oban.
Dumfries Burghs: Dumfries, Annan, Kirkcudbright, Lochmaben, Sanquhar.
Dundee, 2.
Edinburgh, 4.
Elgin Burghs: Elgin, Banff, Cullen, Inverurie, Kintore, Peterhead.
Falkirk Burghs: Falkirk, Airdrie, Hamilton, Lanark, Linlithgow.
Glasgow, 7: Bridgeton, Camlachie, St. Rollox, Central, College, Tradeston, Blackfriars, and Hutchesontown.
Greenock.
Hawick Burghs: Hawick, Galashiels, Selkirk.
Inverness Burghs: Inverness, Forres, Fortrose, Nairn.
Kilmarnock Burghs: Kilmarnock, Dumbarton, Port-Glasgow, Renfrew, Rutherglen.
Kirkcaldy Burghs: Kirkcaldy, Burntisland, Dysart, Kinghorn.
Leith Burghs: Leith, Musselburgh, Portobello.
Montrose Burghs: Montrose, Arbroath, Brechin, Forfar, Bervie, Paisley, Perth.
St. Andrews Burghs: St. Andrews, Easter Anstruther, Wester Anstruther, Crail, Cupar, Kilrenny, Pittenweem.
Stirling Burghs: Stirling, Culross, Dunfermline, Inverkeithing, Queensferry.
Wick Burghs: Wick, Cromarty, Dingwall, Dornoch, Kirkwall, Tain.

UNIVERSITIES.

Edinburgh and St. Andrews.
Glasgow and Aberdeen.

IRELAND.

COUNTIES.

Antrim, 4.
Armagh, 3.
Carlow.
Cavan, 2.
Clare, 2.
Cork, 7.
Donegal, 4
Down, 4.
Dublin, 2.
Fermanagh, 2.
Galway, 4.
Kerry, 4.
Kildare, 2.
Kilkenny, 2.
King's County, 2.
Leitrim, 2.
Limerick, 2.
Londonderry, 2.
Longford, 2.
Louth, 2.
Mayo, 4.
Meath, 2.
Monaghan, 2.
Queen's County, 2.
Roscommon, 2.
Sligo, 2.
Tipperary, 4.
Tyrone, 4.
Waterford, 2.
Westmeath, 2.
Wexford, 2.
Wicklow, 2.

BOROUGHS.

Belfast, 4.
Cork, 2.
Dublin, 4 : College Green, Dublin Harbour, St. Stephen's Green, St. Patrick's.
Galway.
Kilkenny.
Limerick.
Londonderry.
Newry.
Waterford.

UNIVERSITY.

Dublin, 2.

England has thus 465 members, distributed as follows : counties, 233 ; boroughs, 227 ; universities, 5. Wales has 30 members : viz., counties, 19 ; boroughs, 11. Scotland has 72 members : viz., counties, 39 ; boroughs, 31 ; universities, 2. Ireland has 103 members : viz., counties, 85 ; boroughs, 16 ; universities, 2. Total members for the United Kingdom, 670.

The number of members of the House of Commons varied considerably from the fifteenth to the nineteenth century. In the reign of Edward IV. the total number of members (county and borough members included) was 296 ; by Elizabeth's time it had risen to 462 ; in the reign of Charles II. it was 513 ; on the union with Scotland in 1707 it was 558 ; from the union with Ireland in 1801 down to the Reform Act of 1867 it was 658 ; and now the number stands at 670.

The House of Lords has exhibited even wider fluctuations. In the year 1295 the total number of peers, lay and spiritual, was 139 ; by the reign of Elizabeth the number had fallen to 69 ; on the accession of Queen Victoria it stood at 439 ; and by the year 1891 it had risen to 553. The number of spiritual peers fell from 90 in 1295 to 26 in 1891.

XIII.

ELECTIONS TO PARLIAMENT.

This subject may be considered under three heads : Electors, Candidates, and Elections.

With regard to electors, the names of all persons entitled to vote appear

upon the register. Lists of voters are made out by the local authorities, and these are carefully revised by the persons appointed. Under the present registration law claims can be much more readily proved and tested than was formerly the case. Those entitled to be placed on the register are male persons over twenty-one years of age, not being peers or disqualified by alienage, office or employment, unsoundness of mind, conviction for crime or corrupt practices, or receipt of parochial relief, and who possess any of the qualifications required by law. The qualifications for voters are now defined as follows: 1. *Property.*—In England freehold of inheritance of 40*s.* yearly value, freehold for life of £5 yearly value, copyhold of £5 yearly value, leasehold of £5 yearly value held for a term of sixty years or more, leasehold of £50 yearly value if held for a term of twenty years or more, will qualify a person to vote in counties and in towns which rank as counties. In Scotland land or heritage of £5 yearly value, leasehold of £10 yearly value held for life or for fifty-seven years or more, and leasehold of £50 yearly value held for nineteen years or more, will qualify for the county franchise. In Ireland freehold of £5 net annual value, rent-charge or leasehold for life of £20 annual value, leasehold of £10 value held for sixty years or more, and leasehold of £20 value held for fourteen years or more, will qualify for the county franchise. Rules have been made to prevent the multiplication of small freeholds for political purposes—a process more generally known as faggot-voting. 2. *Occupation.*—The occupier of land or tenements of the yearly value of £10 is qualified to vote in any part of the United Kingdom; but the franchise is made to depend on the payment of rates, and in English and Scotch boroughs residence in or within seven miles of the borough is required. 3. *Residence.*—The inhabitant occupier of a dwelling-house, or of any part of a house occupied as a separate dwelling, is qualified: but throughout the United Kingdom this franchise is made dependent on payment of rates. Lodgers occupying rooms of the yearly value, unfurnished, of £10 are also qualified. Certain rights of resident burgesses and freemen in English boroughs were preserved by the act of 1832, and the liverymen of the City companies retain the right to vote in the City of London. 4. *The Universities.*—The electors for university members are all graduate members of the particular universities. Many of these vote also for the places where they reside or have property. This double representation is objected to by many as inconsistent with democratic principles, and of recent years an agitation for "one man one vote" has arisen.

Touching candidates for Parliamentary honours, any male of full age, with certain special exceptions, may come forward for any constituency. English and Scotch peers are entirely disqualified, but Irish peers (except representative peers) are eligible. All English, Scotch, and Irish judges, except the Master of the Rolls in England, are disqualified, as are likewise clergymen of the Established Church of any of the three kingdoms; Roman Catholic priests; the holders of various offices specially excluded by statute, including revenue officers; persons who have been convicted of certain offences; bankrupts; aliens except in certain cases; persons holding pensions

during pleasure, save special exceptions: imbeciles; Government contractors, except contractors for Government loans; and sheriffs and returning officers within the constituencies for which they act. No candidate requires any property qualification, and no member receives any payment or allowance whatsoever from the country for his service in the House or on any committee thereof. A candidate is required to have an agent for election expenses, and in promoting his candidature he is bound to see that no breach of the law is committed, and that the total expenses are kept within the limits prescribed by the Corrupt Practices Act, 1883.

Elections are conducted under the provisions of the Ballot Act of 1872. In the case of a county election, the returning officer must within two days after that upon which he receives the writ give notice of the day of election, in the case of a borough on the day on which he receives the writ or the day following. The day of nomination for a county or district borough must be not later than the ninth day after the arrival of the writ, with an interval of not less than three clear days between the day of notice and the day of nomination. In ordinary boroughs, the day of nomination must be fixed not later than the fourth day after the reception of the writ, with an interval of not less than two clear days between the day of notice and the day of nomination. Nominations must be in writing, subscribed by two registered electors as proposer and seconder, and by eight other electors, who must also be registered in the same constituency. If at the expiration of one hour after the time appointed for the election no more candidates are nominated than there are vacancies, the returning officer proceeds to declare the candidate or candidates nominated duly elected; but if there should be more candidates than there are vacant seats, a polling day is appointed. The poll for a county or district borough must take place in not less than two or more than six clear days, and for an ordinary borough within three clear days of the day of nomination. Sundays, Christmas Day, Good Friday, and any day set apart for a public fast or thanksgiving, are not counted. A special allowance of time is made in the case of the constituency of Orkney and Shetland. In any instance of equality of votes, the returning officer, if qualified for the constituency, may give the casting vote; but if he declines to do so or is not qualified, a double return is made to the writ, and the seat may be claimed on petition. A scrutiny then takes place. Neither candidate returned may vote in Parliament until the right to the seat has been determined. Any member returned for two or more places is to make his selection for which of the places he will sit within one week after it shall appear that there is no question upon the return for that place. Polling places are supplied with a ballot-box, voting-papers, etc. The elector votes by placing a cross opposite the name of the candidate of his choice: his paper is folded up by himself and dropped into the box; and elaborate rules are made by the Ballot Act to protect the secrecy of the vote. Any breach of the law in conducting an election may be made the ground of a petition. The petitioners must find security for the costs, and the petition is tried by two judges, who report to the Speaker the result of their inquiry. Persons

guilty of corrupt or illegal practices may be prosecuted. No member of Parliament can resign his seat, theoretically speaking, but he can achieve the same purpose by accepting the office of honour or profit under the Crown known as the stewardship of the Chiltern Hundreds or of the manors of Poynings or Northstead, granted to him by the Chancellor of the Exchequer and resigned immediately its object is served.

A seat in the House of Commons is vacated when the holder is created a peer or succeeds to the peerage, and also by death or by the acceptance of any office of profit under the Crown; and there are likewise certain disabilities attached to bankruptcy. All the principal members of the Government on accepting office vacate their seats and are eligible for re-election; but this rule does not apply to such offices as Secretary to the Treasury or other similar appointments which are not held direct from the Crown: and a change from one office to another does not involve going again to the constituency.

If a seat becomes vacant during a session, a new writ is moved for at the commencement of an ordinary sitting, generally by one of the whips of the party to which the deceased member belonged. Provision is further made for the issue of writs during the recess without the intervention of the House, it being enacted that the Speaker may, on the production of a certificate signed by two members that a member has died or accepted an office held direct from the Crown, or has been called to the House of Lords, or that the seat has become vacant by the bankruptcy of a member, order a writ to be issued for a fresh election to fill the vacancy thus caused. But a writ may not be issued during the recess on the acceptance of the Chiltern Hundreds or of the like offices. Means are provided under the Lunacy (Vacating of Seats) Act, 1886, by which the seat of any member who may have been received into a lunatic asylum shall be declared vacant.

XIV.

THE SOVEREIGN, THE MINISTRY, THE CABINET, AND THE PRIVY COUNCIL.

The British Sovereign enjoys certain clearly defined prerogatives, including those of convoking, adjourning, removing, and dissolving Parliament, refusing assent to bills—without which they cannot become law—and the creation of peers. Formerly the Crown could increase or diminish the number of members of the House of Commons by either enabling towns to send members or withdrawing the representation from them; but this power has long been obsolete, and that also of vetoing bills is practically so. The Sovereign declares war; chooses and appoints all commanders and officers by land and sea; appoints all judges, magistrates, councillors, and officers of state, archbishops, bishops, and high ecclesiastical dignitaries: bestows all public

honours ; pardons criminals ; and exercises many other powers, usually by the advice of the Cabinet Ministers, who, however, alone are responsible, the theory of English law being that the Sovereign can commit no wrong. Theoretically the king or queen never dies—that is, the throne is never vacant, the succession of the heir being instantaneous. The ceremony of coronation is merely a solemn recognition and confirmation of the royal descent, and consequent right of succession ; and it is not necessary for the security of the title to the crown. But it is highly necessary to the formal establishment of those rights which the people claim from the monarch in return for the duty and allegiance they are bound to observe towards the new Sovereign.

The Ministry is the body carrying on the executive government. When the Sovereign calls upon a statesman to form a new administration, the person usually selected is the leader of the opposing party in one of the two Houses. He first nominates the Cabinet, taking himself the principal position, and he is variously styled the Prime Minister, First Minister, head of the Government, or Premier. Those who accept office under him are in general agreement with his policy. Though each Minister conducts his own department, all important departmental matters are submitted to the Prime Minister—most of them being afterwards laid before the whole Cabinet—and no appointment of moment is made or recommended to the Crown without his knowledge and concurrence. The Premier's patronage is very extensive. Upon his advice, as vacancies occur, archbishops, bishops, deans, judges, and other dignitaries are appointed, and upwards of one hundred Crown livings are filled. Peerages, baronetcies, the order of the Garter, and other distinctions are conferred on his recommendation, as well as such high appointments as the lord lieutenancy of Ireland, the viceroyalty of India, the principal ambassadorships and colonial governorships, and the lord lieutenancies of counties. He is the leader of the House of Parliament in which he sits. Yet his official existence is not recognised by statute, nor does he enjoy any legal precedence over his colleagues.

The Cabinet, which is really the Executive Government, is an important inner circle in the Ministry, and it may be described theoretically as an irregular committee of the Privy Council. It is now an essential part of our polity, and it is composed of the most important members of the administration. Yet it is not known to the law ; the names of its members are not officially announced to the public : no record is kept of its meetings and resolutions ; and its existence has never been recognised by any act of Parliament. Formerly the members of the Privy Council were the advisers of the Crown, but as the Privy Council was a large body, a small informal council of royal advisers grew up within it. But the rise of the Cabinet as it now exists dates from the revolution of 1688 and the effectual establishment of Parliamentary government. George III. endeavoured to subordinate the Cabinet into Ministers dependent on himself : and even William IV. on one occasion dismissed a Cabinet which was personally objectionable to him. Such a step would now be condemned as unconstitutional. The

Cabinet now depends on a majority of the House of Commons for its existence, and it acknowledges a collective responsibility to Parliament for its principal acts, though its functions are not governed by written rules. The Cabinet now always includes the First Lord of the Treasury, the Lord Chancellor, the Lord President of the Council, the Lord Privy Seal, the Secretaries of State for the Home, Foreign, Colonial, War, and Indian Departments, the Chancellor of the Exchequer, and the First Lord of the Admiralty. Other Ministers may be included, and frequently are. The minimum number of Ministers in the Cabinet is eleven, but it has sometimes reached the unwieldy figure of seventeen. Political unanimity, unity of responsibility, and concert in action are the main features of Cabinet government. The Sovereign cannot now constitutionally preside at a Cabinet council. Members of the Cabinet are necessarily Privy Councillors.

The Prime Minister generally takes the office of First Lord of the Treasury, though Lord Salisbury gave it to another member of the Cabinet, in order to assume for himself the post of Foreign Secretary. The Prime Minister may likewise be First Lord of the Treasury and Chancellor of the Exchequer or First Lord of the Treasury and Lord Privy Seal. Other offices in the Ministry, holders of which may or may not be members of the Cabinet, are those of Chancellor of the Duchy of Lancaster, First Commissioner of Works, Postmaster-General, Lord Lieutenant of Ireland, Lord Chancellor of Ireland, Chief Secretary for Ireland, Secretary for Scotland, President of the Board of Trade, President of the Board of Agriculture, President of the Local Government Board, and Vice-President of the Council on Education. Appointments to all these offices, as well as to the under-secretaryship, and many others, are made by or on the recommendation of the Prime Minister. Ministers do not vacate their seats on going from one office to another. A Government does not now resign upon an adverse vote of the House of Lords, but only when it is defeated in the Commons on a question of importance. Ministers have continued to hold office after defeat on a trifling matter in the Lower House. When defeated on a question of importance, the Premier either resigns or appeals to the country. If in the latter event the elections go against him, he usually resigns, though he may if he pleases wait for a formal vote of want of confidence passed by the new House of Commons. Touching the legislative duties of certain of the Ministers, if the Secretary for War and the First Lord of the Admiralty are peers, the Financial Secretary to the War Office generally and the Secretary to the Admiralty have charge of the estimates in the House of Commons. The education estimates for England and Wales are introduced by the Vice-President of the Council. The Financial Secretary to the Treasury has charge of most of the civil service estimates; and, in addition to other matters, he arranges the course of Government business in the House of Commons. The Patronage Secretary is the principal Ministerial whip, and issues the official summonses, or whips, for securing the attendance of the Ministerial supporters. He is aided in his party duties by the Junior Lords of the Treasury and by some of the

holders of subordinate Household appointments, and with their assistance he tells for the Government in divisions.

The Privy Council is a development from the *Curia Regis*, as described in an early chapter of the present work. The present name of Privy Council was assumed in the time of Henry V., when its functions were partly administrative and partly judicial. At one time its jurisdiction was very extensive, but its judicial powers were restricted by the Long Parliament, while during the seventeenth and eighteenth centuries its functions as the adviser of the Crown in matters of Government and State policy were gradually usurped by the Cabinet. The Privy Council as now constituted includes the members of the royal family, the Archbishops of Canterbury and York, the Bishop of London, the great officers of state, the Lord Chancellor, the Lord Chief Justice of England, the Lords Justices of the Court of Appeal, the President of the Probate, Divorce, and Admiralty Division, the law officers of the Crown, the members of the Judicial Committee, several of the Scotch judges, the Speaker of the House of Commons, the ambassadors, some of the ministers plenipotentiary and governors of colonies, the Commander-in-chief, the First Lord of the Admiralty, the Vice-Presidents of the Board of Trade and Education Council, the Paymaster of the Forces, and all the members of the Cabinet, and private individuals and politicians who have never been in office upon whom the Sovereign has conferred the distinction. Any Privy Councillor can act as a justice of the peace. Privy Councillors are appointed by the Sovereign without either patent or grant, and are subject to removal at discretion. It was enacted in the reign of Queen Anne that the Privy Council should continue for six months after the demise of the Crown, unless sooner determined by the successor of the deceased Sovereign. No members now attend its deliberations except those specially summoned, and the occasions are very rare when summonses are sent to the whole Council. Generally only the Ministers, the great officers of the Household, and the Archbishop of Canterbury are summoned. Meetings of council are usually held at the Sovereign's residence, at intervals of every three or four weeks; and six Privy Councillors, with one of the Clerks of the Council, may constitute a meeting. A Privy Councillor must be a natural-born British subject. The Lord President of the Council is appointed by letters patent under the Great Seal. He presides over the debates, proposes matters from the Sovereign at the council table, and reports to her Majesty the resolutions taken thereon. A full meeting of the members takes place on the demise of the Crown, when it is the duty of the Privy Council to meet and proclaim the new Sovereign. The Council has many important functions, including the establishment of quarantine when necessary, the granting of charters of incorporation to public and private bodies, and the enforcement by Orders in Council of many statutes which Parliament leaves to the discretion of the executive. Royal proclamations summoning, proroguing, or dissolving Parliament, and for many other purposes, are drawn up by and with the advice of the Privy Council before being issued. Various public departments have grown out of or are now committees of the Council. The

Board of Trade, though now independent, is still officially entitled the Committee of Council for Trade. The Education Department is a committee of the Council; and there are in addition a Universities Committee—which reviews the statutes made under the Oxford and Cambridge Act—a Scottish Universities Committee, and a Judicial Committee for appellate business. The newly established Board of Agriculture possesses many powers and discharges many duties which formerly pertained to the Agricultural Department of the Privy Council. The old Privy Council of Scotland was merged in that of England by the act 6 Anne. Ireland has a separate Privy Council, which in 1891 consisted of fifty eight members, who are sworn pursuant to a sign-manual warrant directed to the Lord Lieutenant.

XV.

PARLIAMENTARY PRIVILEGE, ORDER, PROCEDURE, ETC.

On the day appointed by royal proclamation for the meeting of a new Parliament, the members of both Houses assemble in their respective chambers. In the Upper House, the five Lords Commissioners appointed by the Sovereign take their seats on a form placed between the throne and the woolsack, and the Lord Chancellor commands the Gentleman Usher of the Black Rod to let the Commons know that their attendance is desired. In the Commons, all responsibility pending the election of the Speaker devolves upon the Clerk of the House, who receives from the Clerk of the Crown a book containing the names of the members returned to serve in the new Parliament. Black Rod having knocked at the door and informed the Clerk of the object of his visit, the latter joins the official from the Lords, and the two gentlemen, followed first by Privy Councillors and afterwards by unofficial commoners, proceed together to the bar of the Upper House. There they are informed by the Lord Chancellor of the appointment of the Royal Commissioners by her Majesty under the Great Seal, after which the Clerk of the Parliaments reads the letters patent *in extenso*, and the Lord Chancellor dismisses the Commons to elect their Speaker. After their departure, the process of swearing in is proceeded with in the Upper House, the Lord Chancellor, as keeper of the Queen's conscience and principal Lord Commissioner, being the first to take the oath and subscribe the roll of Parliament.

Upon the return of the Commons to their own House, the Clerk points with his finger to the gentleman who is to nominate the Speaker. He is usually a leading, but unofficial, member of the Ministerial party, and his motion is seconded by a prominent member of the Opposition. If two members should be proposed as Speaker, a debate and a division ensue, but this has not occurred since 1839, when Mr. Shaw Lefevre, Liberal, was elected Speaker over Mr. Goulburn, Conservative, by 317 to 299 votes. If

only one nomination is made, the member proposed is called by the House to the chair without the question being put. The Speaker elect, standing up in his place, expresses his sense of the honour proposed to be conferred upon him, and submits himself to the House. Having been again unanimously called to the chair, he is conducted thither by his proposer and seconder. He then expresses his deep acknowledgments for the honour conferred upon him, and takes his seat. The Sergeant-at-Arms next places the mace on the table, and the Speaker elect having received the congratulations of the House, an adjournment is taken until the appointment has been sanctioned by the Queen. On the next day, the Speaker elect and the Commons are again summoned to the House of Lords, when the Speaker elect announces his choice and submits himself with all humility for her Majesty's gracious approbation. The Lord Chancellor thereupon assures him of her Majesty's sense of his efficiency, and adds that "she does most readily approve and confirm you as the Speaker." The Speaker then makes the famous declaration on behalf of the Commons, laying claim to all their undoubted rights and privileges, "especially to freedom of speech in debate to freedom from arrest of their persons and servants, and, above all, freedom of access to her Majesty whenever occasion shall require it." In conclusion, he prays that if any error be committed, it may be imputed to him alone, and not to her Majesty's faithful Commons. The Lord Chancellor, on behalf of the Queen, confirms all the rights and privileges of the Commons, and with this the ceremony ends. On his return to the House of Commons, the Speaker informs the members of what has transpired in the Lords, repeats his acknowledgments of the honour conferred upon him, and swearing-in is proceeded with. The Speaker first takes the oath, and then it is administered in the first instance to such members, not exceeding five in number, as are of the Queen's Privy Council, and to members who have held office under the Crown, and afterwards to such members as may present themselves for that purpose at the table. Quakers, Moravians, Separatists, and others are permitted to make an affirmation in lieu of, but to the same effect as, the oath; and those who have no religious belief, or who object to an oath as being contrary to their religious belief, are permitted to make an affirmation under the act 51 and 52 Vict. The form of oath taken by members is as follows: "I, ——, do swear that I will be faithful and bear true allegiance to her Majesty Queen Victoria, her heirs and successors, according to law. So help me, God." Two or more days are generally allowed for the process of swearing-in, and then the Queen's Speech is read in person or by the Lord Chancellor in the Upper House, before the assembled members of both Houses. The Commons then return to their House, and in the evening the debate on the Address is opened.

The House of Lords is composed of two of the estates of the realm, the lords spiritual and temporal, but both sit and vote together. The lords spiritual embrace the Archbishops of Canterbury and York and twenty-four bishops of the Church of England. The Archbishops and the Bishops of London, Durham, and Winchester are always entitled to sit; but other

bishops only receive a writ of summons when the voidance of a see decreases the total number of lords spiritual to less than twenty-six, and then in order of seniority of appointment. The Bishop of Sodor and Man has no seat in Parliament at any time, and any other bishop ceases to be a lord of Parliament on resigning his see. The lords temporal consist of peers whose right to sit and vote in the House is hereditary, representative peers of Scotland and Ireland, and lords of appeal in ordinary, of whom not more than four may be appointed. The peers are divided into five classes: dukes, marquises, earls, viscounts, and barons, these titles taking precedence in the order given; but a peer may hold a superior Scotch or Irish title to that under which he sits as a peer of the United Kingdom. Each peer must attend to record his vote, proxies having been abandoned. A newly created peer or one elevated to a higher title is introduced by two other peers of his own degree, and he takes the oath, and subscribes the roll with considerable formalities. The lords spiritual sit permanently on the upper benches to the right of the throne; on the same side, but nearer the centre of the House, sit the Ministry, with their supporters behind and below them; while the left front bench is occupied by the leaders of the Opposition, with their adherents behind them. In both Houses the two parties cross the House on a change of Ministry. The Upper House has both legislative and judicial powers. It is the highest appellate court of the United Kingdom, and, as thus constituted (by the legal lords), may sit during a Parliamentary recess. With regard to precedence in the House of Lords, the Prince of Wales stands first on the roll; then come the royal dukes, who are followed, in the order given, by the Archbishop of Canterbury, the Lord Chancellor, the Archbishop of York, the Lord President of the Council, and the Lord Privy Seal. Then follow the dukes—headed by the Duke of Norfolk as Earl Marshal and premier duke—the marquises, earls, viscounts, bishops, and barons. The Lord Chancellor, or Keeper of the Great Seal, acts as Speaker for formal purposes, but he does not keep order, as the lords do that for themselves. It is not necessary that the Chancellor should ever be a lord of Parliament, and he sits on the woolsack, which is supposed to be outside the House. A peer when speaking addresses the whole House, and not the president. Deputy Speakers are appointed when necessary, and there is a salaried Chairman of Committees, who has large powers over private bills, etc. The judges and law officers rank as assistants of the House; they are summoned to attend in Parliament, and they are present on occasions of state; the judges also attend and sit together on the woolsack when the Lords desire to consult them on a point of law. In olden times, when the Houses differed, formal conferences were held in the Painted Chamber, the Lords sitting with their hats on, the Commons standing and uncovered: but the modern practice of party government renders these conferences unnecessary. While the House of Lords declares its own privileges, it is bound by law, and cannot create a new privilege by mere declaration. It can censure, fine, or imprison persons guilty of breach of privilege; and it can protect the House and its com-

mittees, as well as all persons concerned in the business before the various committees. The House of Lords, besides being a court of final appeal, exercises original jurisdiction in peerage cases, in trials of peers for treason or felony, and in impeachments by the Commons. It also has exclusive power to originate bills for a restitution in blood and a restitution in honours. It is also understood that bills of pains and penalties, or other measures founded on oral testimony, originate with the Lords; and until 1871 the House of Commons had not the power which their lordships had of examining witnesses on oath. Any member of the House of Lords may introduce a bill affecting the public interest, and the House claims the right to initiate bills which directly affect its own rights and privileges, but, according to constitutional custom, it cannot initiate money bills; it may accept or reject a money bill sent up by the Commons, but it cannot amend it in detail. Bills are frequently read a first time without discussion; if they pass the second reading this means that their general principle has been accepted. They are then discussed in detail in committee, after which they are read a third time and passed. The royal assent to bills is always given in the Lords, the Commons being summoned thither. The ceremony is generally performed by commission, and the French forms are still employed. If a public bill be approved, the Clerk says, "*Le roy*" (or "*La reyne*") "*le veult.*" If the measure be a private one, he says, "*Soit fait comme il est désiré.*" Should the bill have subsidies for its object, the Clerk says, "*Le roy*" (or "*La reyne*") "*remercie ses loyaux sujets, accepte leur bénévolence, et aussi le veult.*" If the Sovereign refuses approval to a measure, the Clerk says, "*Le roy*" (or "*La reyne*") "*s'avisera.*" This power of rejection, however, has not been exercised since 1707, when Queen Anne refused her assent to a Scotch militia bill. Bills awaiting the royal assent are usually deposited in the House of Lords for that purpose, but all money bills are brought up to the bar of the Lords by the Speaker of the Commons to receive the royal assent. Members of the House of Lords are free from arrest on civil process in coming, going, or returning. They are free to speak without being liable to action or indictment. They can claim access to the Crown to explain their proceedings. It is a breach of privilege to reflect on the honour of the House or on the Parliamentary conduct of its members. Technically it is a breach of privilege to report its proceedings, but now sessional arrangements are made for the admission of reporters. Formerly printers of Parliamentary papers for both Houses could be sued or prosecuted for libel, but, under the act of 1840, all such proceedings can now be stayed on the production of a certificate that such papers are printed by order.

The House of Commons is now by far the more important branch of the Legislature. All its members are equal within the House, but the bench immediately to the right of the chair is reserved for Ministers having seats in the House, and their supporters sit behind them. To the left of the chair are the Opposition benches, the front bench above the gangway being reserved for ex-Ministers and Privy Councillors. Independent members sit below the gangway, and since 1880 the Irish members generally have sat

below the gangway on the Opposition side of the House. Members enjoy privilege of Parliament: they are free from arrest on civil process while attending the House, and in coming or returning; but no person is privileged against arrest for crime or contempt of court. Formerly privilege could be pleaded by members, and even for their servants, in actions for debt; but now an action or a bankruptcy petition is not impeded by privilege. No member who becomes bankrupt can sit or vote in either House of Parliament. The Commons enjoy freedom of speech, and as a House may claim free access to the Sovereign. They can prosecute offenders against their privileges, and may commit a person to prison during pleasure; but persons so imprisoned cannot be detained after the close of the session. The House declares its own privileges, but cannot create new ones by a mere declaration. Since 1840 it has been able to protect its own printers against actions for libel. A member has no privilege except when he is performing his Parliamentary duty. While the Commons assume no general judicial authority, they claim to deal judicially with cases of privilege, and with questions relating to the election and conduct of members. The House may exclude, suspend, or expel a member, but it cannot disqualify him for re-election.

The Commons have an exclusive right to vote supplies of money and to prescribe the ways and means by which it shall be raised. Estimates of public expenditure are produced by Ministers and discussed in Committee of Supply, which is a committee of the whole House. The Speaker leaves the chair, the mace is taken from the table, and the Chairman of Committees presides over the debate, in which members may speak more than once to the same question. After certain necessary votes have been taken in Supply, the House resolves itself into a Committee of Ways and Means, which deals with the proposals relative to old or new taxes and duties, and votes sums of money from the Consolidated Fund to make good the supplies. Resolutions adopted in committee are embodied in bills, which are sent up for the assent of the Lords. At the close of every financial year the Chancellor of the Exchequer, in committee of the whole House, brings forward his budget of expenditure and revenue for the ensuing year.

As regards legislative business, a member must ask leave to introduce a bill. When a bill has been read a second time, it is considered in detail by a committee of the whole House or by a select committee. The committee reports to the House, the Speaker resuming the chair for the purpose. The House of Commons, as the "grand inquest" of the nation, takes cognisance of all matters of public concern, as well as of the conduct of Ministers. No Government can hold office without the confidence of the Commons, but it may if its supporters are in a minority in the House of Lords.

The Speaker is the first commoner of the realm, and takes precedence as such. The Chairman of Committees is empowered to act as deputy Speaker. The Clerk of the Parliaments is the chief officer of the House of Lords. The Assistant Clerk of Parliaments is the clerk of the House of Commons. He reads the order of the day, turns a sand-glass when a division is called, reads

petitions if required, and takes charge of accounts and papers. He has two assistant clerks, whose chief duty is to keep the journals, which are accepted by all other authorities as evidence of what is done by the House. The Sergeant-at-Arms is the executive officer of the Commons.

The public acts of Parliament passed in a session form one statute, which for convenience is divided into chapters. Copies of the statutes are preserved among the Rolls of Parliament, and printed copies are sent to judges and magistrates; but no form of publication is required to give validity to a statute; and all subjects are bound to take note of and obey the law. As a rule, acts come into force immediately after they have received the royal assent. All Parliamentary papers, votes, etc., printed during the session may be obtained from the Parliamentary publishers. Prorogation puts an end to all sessional orders and to all pending business, except impeachments, writs of error, and appeals to the House of Lords. No bills may be introduced twice in the same session; and it has sometimes been found necessary to prorogue Parliament in order that a rejected bill may be brought in again without delay. Members of either House of Parliament may obtain information from the executive departments by asking for returns and papers. With regard to subordinate departments or departments created or regulated by statute, either House may order returns; but touching the higher departments and matters affecting the royal prerogative, it is usual to move a humble address, praying that the documents required may be ordered. Neither House orders returns regarding the proceedings of the other; papers desired can generally be obtained without difficulty. Unless under the provisions of an act of Parliament, no return can be ordered from private persons and associations. Cabinet memoranda, opinions of the law officers of the Crown, and other confidential documents are never laid on the table of either House, except the Government has special reasons for doing so.

Divisions are taken by the voices of the members present. In the Lords the cry is "Content" or "Not content," in the Commons "Aye" or "No." If the Speaker's decision be challenged, members pass out into the lobbies, and are counted by members appointed for that purpose, who are called "tellers." When the numbers are equal, in the Lords the question is decided in the negative; but in the Commons the Speaker gives a casting vote. Many matters are for the sake of convenience referred to a committee of the whole House or to a select committee. Witnesses can be examined before committees of both Houses on oath. In the case of a private bill referred to a committee, its promoters and opponents attend with their counsel and agents: and the expense of the inquiry, which partakes of a judicial character, is very heavy. Formerly there were four grand committees of the House of Commons: for religion, for grievances, for courts of justice, and for trade. These were discontinued in 1832; and in 1882 two standing committees were appointed: for the consideration of bills relating to law and courts of justice, and to trade. They have not, however, relieved the House so much as was expected.

Parliamentary procedure now demands attention. It is out of order for

a member to refer to another member by name—he must be addressed as "the hon. or right hon. member for so-and-so." All observations must be addressed to the chair. It is irregular to refer directly to proceedings in the House of Lords, unless they have been formally made known by message or recorded on the minutes of the Upper House. Proceedings in the House of Lords are alluded to as having transpired "in another place." It is out of order to refer to the opinions of the Sovereign, Ministers being responsible for the speeches and messages from the throne. To facilitate order, rules of procedure were passed in 1882, which provided that a member who disregarded the authority of the chair might, under a new standing order (order in debate), be "named" by the Speaker and suspended from the service of the House, on the first occasion for a week, on the second for a fortnight, and on the third and subsequent occasions for a month. The Speaker was empowered when a subject had been adequately discussed, and it was the evident sense of the House that the question be put, so to inform the House, whereupon a motion to close the debate might be made. He could also place restrictions upon the practice of making motions of adjournment. In cases where the second reading of a bill is not met with a direct negative, an amendment is proposed to the effect that the bill "be read this day three months" or "six months," it being understood that the House will not be sitting then. The "previous question" may be carried in cases where the House is unwilling to come to a decision. The first Salisbury administration projected new rules of procedure, which Mr. Gladstone in the main accepted; and a select committee appointed by the House of Commons to consider the question met in March 1886. In pursuance of its recommendations, the Government proposed various draft rules of procedure, but the only one adopted by the House was that dealing with the closure of debate. The new rule, however, worked somewhat inconveniently, as it necessitated the presence of upwards of two hundred members to enforce the closure when the minority numbered forty or upwards. The subject was again discussed in the session of 1888, when a settlement was arrived at satisfactory to both sides of the House.

The new rules were very comprehensive. First, as to the sittings of the House, it was provided that, unless the House should otherwise order, the House should meet every Monday, Tuesday, Thursday, and Friday, at three o'clock, and should, unless previously adjourned, sit till one o'clock a.m., when the Speaker might adjourn the House without question put, unless a bill originating in Committee of Ways and Means or specially exempted proceedings should be under consideration. At midnight on Mondays, Tuesdays, Thursdays, and Fridays (except as aforesaid), and at half-past five on Wednesdays, proceedings are to be interrupted, and any dilatory motion before the House is to lapse without question put; the business then under consideration, and any business subsequently appointed, is to be appointed for the next day on which the House shall sit, unless the Speaker ascertains that the majority of the House desires it to be deferred until a later day. On the interruption of business the closure may be moved, and the Speaker or

Chairman is not to leave the chair until the questions consequent thereon have been decided. After the business under consideration at midnight or at half-past five on Wednesdays has been disposed of, no opposed business is to be taken. At the commencement of public business, however, a Minister of the Crown may make a motion, without amendment or debate, that proceedings on any specified business under discussion at twelve o'clock that night be not interrupted under the standing order. The Speaker may when expedient request the Chairman of Ways and Means to take the chair as deputy Speaker without any formal communication to the House; and he is to nominate at the commencement of every session a panel of not more than five members to act as temporary Chairmen of Committees when requested by the Chairman of Ways and Means. Secondly, questions of closure of debate are to be decided in the affirmative, if when a division be taken it appears that not less than one hundred members voted in the majority in support of the motion. The standing order of 1882 which left it to the Speaker to take the initiative for the closure of a debate was repealed. Thirdly, the Speaker or Chairman was empowered to order disorderly members to withdraw from the House during the remainder of a sitting, the Sergeant-at-Arms to act upon any instructions received from the chair. But if this power seems inadequate, the Speaker or Chairman may name offending members in pursuance of the standing order on debate, or he may call on the House to adjudicate upon their conduct. Suspended members are to withdraw from the precincts of the House, subject to the proviso in the standing order relating to their service on private bill committees. Fourthly, the Speaker or Chairman may order a member to discontinue his speech on the ground of irrelevance or tedious repetition. Fifthly, in case of motions for adjournment in abuse of the rules of the House, the Speaker or Chairman may forthwith put the question from the chair, or decline to propose the question thereupon to the House. Sixthly, the Government to have full power to arrange business as they see fit upon those days on which the Government business has priority. Seventhly, whenever an order of the day is read for the House to resolve itself into a committee of the whole House, the Speaker shall leave the chair without putting any question, unless notice of an instruction has been given, when such instruction shall be first disposed of. Eighthly, upon the report stage of any bill, no amendment may be proposed which could not have been proposed in committee without an instruction from the House. Ninthly, with regard to divisions, the Speaker or Chairman may after the lapse of two minutes, if in his opinion the division is frivolously or vexatiously claimed, take the vote of the House or committee by calling upon the members who support and who challenge his decision successively to rise in their places, and he shall thereupon, as he thinks fit, either declare the determination of the House or committee, or name tellers for a division. If there be no division, the number of the challenging minority shall be declared from the chair, and their names taken down and printed in the division lists. Tenthly, the stages of committee and report on the Address

to the Queen, in reply to the royal speech at the commencement of the session, to be discontinued. Rule 11 provided that after Whitsuntide public bills other than Government bills be arranged on the order book so as to give priority to the bills most advanced ; that Lords' amendments to public bills be placed first, followed by third readings, considerations of report, bills in progress in committee, bills appointed for committee, and second readings. The twelfth rule revived the resolutions of 1882 relating to the standing committees on law and trade ; and trade was ordered to include agriculture and fishing. Other resolutions passed by the House provided in effect that when the House meets at three o'clock opposed business is as a rule not taken after midnight, but when it meets at two o'clock opposed business may be proceeded with until one a.m. The House meets at noon on Wednesdays and adjourns at six, and opposed business is not taken after half-past five. The old half-past twelve rule and some others which were incompatible with the new resolutions were repealed.

British subjects and persons resident in the British dominions may petition either House of Parliament ; but a petition must be presented by a member of the House to which it is addressed, except petitions from the Corporation of London, which are presented by the sheriffs of London at the bar. The Lord Mayor of Dublin has enjoyed the same privilege, and it would probably be conceded to the Lord Provost of Edinburgh. Formerly a member could address the House when presenting a petition, but this is not now permissible under the standing orders. A committee on public petitions reports twice a week during the session.

The English Parliament is practically omnipotent. No act of Parliament can be set aside by any authority whatsoever except that of the two Houses which passed it. Sir Edward Coke has observed that the power of Parliament "is so transcendent and absolute that it cannot be confined, either for causes or persons, within any bounds."

In the case of a dissolution of Parliament by Ministers, it is customary to put an end to the session by prorogation. A proclamation is then issued dissolving the Parliament, and giving directions for the issue of new writs of summons. The House of Commons is temporarily put an end to by a dissolution. Not more than three years may elapse between the dissolution of a Parliament and the calling of a new one ; but inasmuch as the Commons only votes the supplies year by year, it is absolutely necessary that there should be an annual session of Parliament. Under the Septennial Act of 1714 no Parliament may endure for more than seven years from the time when it is first summoned to meet. Parliament is not dissolved by the demise of the Crown ; on the contrary, an immediate assembling of the two Houses is rendered necessary ; and if no Parliament should then be in existence, the old Parliament must reassemble. It may sit again for six months, if it be not within that time dissolved by the new Sovereign. If such a step be at any time deemed necessary, it is in the power of the Crown to call Parliament together by proclamation for the despatch of business in six days from the date of such proclamation.

XVI.

THE STATUTES.

The consolidation of the vast mass of legislation upon the statute book and the expurgation of acts expressly repealed or obsolete by their age is a work that has long been going forward. Its necessity has been acknowledged for more than three hundred years. Lords Campbell, Cranworth, and Westbury facilitated the work of consolidation ; but it was not until the Chancellorship of Lord Cairns that an edition of the statutes actually in force was directed to be printed, and a committee appointed to carry out the work. Since then satisfactory progress has been made. The various Statute Law Revision Acts passed since 1861 have swept away a great number of obsolete enactments, while the committee have also done much in the way of compressing existing statutes. But much remains yet to be done in consolidating and codifying the numerous statutes relating to procedure, the criminal laws, the poor-laws, commerce, highways, prisons, public libraries, etc. It is also very desirable that the statutes of the realm should be published in a cheap form, so that they may no longer be confined to the libraries of public institutions or wealthy private individuals. A revised edition of the statutes is now in course of issue by the Government, but its distribution must be considerably restricted owing to its cost.

By the Statute Law Revision Acts of 1890 the work of revision was brought down to the close of the session 5 and 6 Victoria. The select committee on the Statute Law Revision Bill and other measures reported in 1890 that they were struck in the course of their examination of the statute book by the large number of statutes of little or no practical utility which still remained unrepealed. This especially applied to imperial acts operative in Scotland or Ireland only, as well as to many acts of the Parliament of Ireland before the Union. Modern repealing acts had frequently been expressed to apply to England only where the committee found no reason to think that in point of fact the act or part of an act repealed for England had any practical application at the present day to the circumstances of Scotland or of Ireland, as the case might be. Where the conditions of two or of all three of the countries coincided, it was obviously desirable that the work of revision and repeal should be effected by the same act, so that the law of the several countries should, as far as possible, be made uniform. The committee believed that a few consolidation acts might with advantage be passed, embodying in a very small space all that was worth preserving in these old statutes, so that the residue might be forthwith repealed ; and they ventured to express the hope that the departments of state within whose respective provinces of administration these statutes lay would energetically co-operate with the Statute Law Committee in preparing such consolidating and repealing measures.

XVII.

PARLIAMENTARY REPORTING.

Some references to the records of Parliamentary proceedings before and during the reign of Elizabeth have been made in the first volume of this work. These now require to be supplemented. The *Journals* of the reign of James I. have been corrected and amplified by independent sources of information. The *Parliamentary Debates of* 1610, printed from a manuscript in the British Museum by the Camden Society, is valuable as throwing light upon a Parliament whose records are unusually defective. There are also manuscripts in the Harleian and Cottonian collections which give whole speeches of this period. Another Camden Society publication of considerable value is one entitled *The Debates of the House of Lords in* 1621. It gives a full account of the debates on Bacon's fall, on the gold and silver thread patents, and on the Monopolies Bill. These debates excited wide-spread interest, as did also that on liberty of speech in the House of Commons in 1621, which is given fairly fully in the *Parliamentary History*, though there is hardly a trace of it in the *Journals*. In Petyt's collections there is also a copious report of the debate. For the reigns of James I. and Charles I. Cobbett, in writing the *Parliamentary History*, drew largely from the Rushworth, Somers, Hardwicke, and other collections, which publish important speeches by the leaders of the Court and popular parties. Then there are the publications of Sir Benjamin Rudyard and Sir E. Dering. Rushworth, who covers five Parliaments, reports debates on episcopacy, short Parliaments, grievances, tunnage and poundage, etc., and he also gives the first speech made by Oliver Cromwell. The *Diurnal Occurrences* and the *Mercurius Politicus* were a kind of narrative of proceedings published by order of Parliament. The *Diary of Sir R. Knightley*, printed by the Camden Society, fills up large gaps in the *Journals* touching the first Parliament of Charles I. In the appendix are full notes by Sir T. Crewe (formerly Speaker and afterwards Lord Crewe) of the Parliament which sat from January to March 1629. The political literature dealing with the famous Long Parliament surpasses in extent that of any other period. The Camden Society has published Sir R. Verney's *Notes of Proceedings* for the years 1640 to 1642. Burton took copious notes of the Protector's Parliament. The best authority for the earlier portion of the Long Parliament is Sir Simonds D'Ewes's manuscript diary (in five folio volumes), which was largely used by Carlyle in preparing his *Cromwell* and John Forster in writing his *Grand Remonstrance* and the *Arrest of the Five Members*. Burton's *Diary of the Last Parliament of Oliver Cromwell and the Parliament of his Son Richard*" was printed in 1828. There was prefixed to it by way of preface an account of the Parliament of 1654 from the manuscript of Guibon Goddard, member for Lyme Regis. It supplies a missing speech of the Lord Protector, which must have occupied upwards of an hour in delivery.

Burton's *Diary* shows that members were strictly taken to task if they said anything reflecting on other members. The closure was in existence, and there was a standing order to the effect that any member not taking a place on entering the House, or leaving it to the disturbance of the House, or speaking loudly, or interfering with business, should pay a fine of one shilling; and the Clerk Assistant was ordered to collect the money at the door as the members left. There are notes and reports of proceedings in Parliament in the second quarter of the seventeenth century by Sir F. Gawdry, M.P. for Thetford, Lawrence Whitaker, M.P. for Okehampton, and Walter Yonge, M.P. for Colyton, as well as collections of speeches in the Lansdowne MSS. and the Sloane MSS.

The library of St. John's College, Cambridge, contains interesting manuscripts relating to Parliamentary proceedings from 1602 to 1610. A fine folio in the Harleian MSS. contains a full report of the debates in the case of Mr. Floyd, a Roman Catholic barrister, who had spoken disrespectfully of the Elector Palatine and his wife. In the Additional MSS. there is another readable folio containing the debates in 1627-28. Dawes's *Collection of Speeches* (1623—1630) is not very valuable, and the manuscripts in the Ashmolean, Middle and Inner Temple Libraries are almost wholly transcripts from the Rolls and Journals. "In the Lansdowne collection," writes a contributor to the *Times*, "are copious notes of debates in the hand of Lord Somers and his private secretary, and in the Hardwicke State Papers there is the report of the debate in the Convention Parliament on the knotty point whether James II. had abdicated or whether the throne was simply vacant, printed from memoranda taken by Lord Somers in pencil. Sir Simonds D'Ewes's Journal is among the Harleian MSS. Archbishop Secker's Journal and Lord Hardwicke's Journal are among the Additional MSS., and Sir H. Cavendish's reports are in the Egerton MSS. Of a later date we have manuscript notes of Parliamentary debates in 1829, memoranda for speeches in Parliament by R. B. Sheridan, Esq., an autograph manuscript speech by Lord Byron on the Framework Bill, manuscript reports of speeches by Burke, Sheridan, and Fox, and manuscript reports of speeches in the session of 1825, by Ellenborough and others."

The Historical Manuscripts Commission has rendered excellent service in many directions, though it has not been able to do much hitherto in the way of filling up the gaps in the older Parliamentary reports. There must be many private letters, diaries, and memoranda scattered about the country in private archives, etc., which are well worth recovering. Thirteen volumes of manuscript reports have been discovered of the Irish House of Commons between 1776 and 1789. Lord Braye's collection contains five folio volumes of drafts for the Lords' Journals for 1620 to 1628 by Elsyng, ten folio volumes of first drafts of Journals of the House of Lords for 1640 to 1642, and first drafts of Journals not bound for 1661 to 1680. Lord Braye also has bundles of manuscripts belonging to John Browne, who was Clerk of the Parliaments during a great part of the seventeenth century. Colonel Carew has an account of proceedings in Parliament in 1623, 1625, and 1628,

and of the House of Lords from 1726 to 1733, besides a number of scattered speeches of Sir Nicholas Bacon and others. Lord Leconfield has a book of speeches delivered in the early days of the Long Parliament; and the papers of Downing College contain speeches of James I.'s time which supply blanks in the printed Journals. The Knightley papers contain three Parliamentary Journals, viz., of 1625, of the close of the Short Parliament, and of the opening of the Long Parliament. The Ashburnham Library contains many valuable Parliamentary manuscripts. "There is a collection, made by Brady and Morone, of Parliamentary speeches; a table of Parliaments giving an account of events in Parliament during the reigns from Edward III. to Edward IV.; a copy of Heywood Townsend's journal of the last four Parliaments of Queen Elizabeth, which, as mentioned already, was printed in folio in 1680; a collection of speeches in Parliament in the sixteenth and seventeenth centuries in the handwriting of Charles I.'s time: some notes taken in the session of 1627-28 by William Borlase; proceedings and speeches on the impeachment of Lord Clarendon: Journals of Parliamentary Proceedings in 1721 and 1722; and the manuscript of a speech by G. Grenville on the expulsion of Wilkes. In the Harvey papers there are full reports of some of Pym's speeches. Lord St. Germans has a large collection of first and second copies and drafts of Sir J. Eliot's speeches, made use of by Mr. Forster in his Life. The Duke of Northumberland has a Journal of Proceedings in the thirty-fifth Elizabeth. The Egmont papers have various speeches of Sir R. Temple in 1692 and 1710 and speeches of the Marquis of Normanby taken in shorthand, and the Bedford, Sutherland, and Malet papers contain numerous reports of speeches, mostly in the seventeenth century."

Burton's *Diary* comes down to the Restoration; Timberlake's *Proceedings of the House of Lords*, in eight volumes, extends from 1660 to 1742; and Chandler's *Debates*, in fourteen volumes, is a work covering the same ground in the House of Commons. Anchitel Grey's reports, published in 1769, in ten volumes, cover the Parliaments from 1667 to 1694. Grey was M.P. for Derby for thirty years, and his notes are regarded as generally trustworthy. Andrew Marvell's letters to his Hull constituents described the Commons' debates from 1660 to 1678; and the autobiography of Sir J. Bramston, published by the Camden Society, contains Parliamentary references to this and the succeeding period. In 1766 Almon began to publish the debates of both Houses from 1742 to 1780. Then there were Debrett's *Debates* from 1743 to 1774 and Debrett's *Register of Proceedings of both Houses* from 1780 to 1803, in three series of over sixty volumes; Bohun's *Debates touching the Right of Electing Members in* 1702; Stockdale's *History and Proceedings of the Lords and Commons in Parliament with regard to the Regency* (1788-89); and *An Impartial Report of the Debates that occurred in the Two Houses of Parliament*, 1794 *to* 1809, *by W. Woodfall and Assistants*. *Northcroft's Parliamentary Chronicle* gives the debates for 1833-34. *Hansard's Debates* began in 1803, and from 1828 to 1841 there was an independent report in Barrow's *Mirror of Parliament*, which had the

services of some of the ablest reporters of the day. The leading speeches of many of the greatest Parliamentary orators in the past and present century are to be read in the *Modern Orator* and other compilations. Boyer's *Political State of Great Britain* extended from 1711 to 1740. The system of regular and authentic Parliamentary reporting, however, began with Cave, who in 1731 founded the *Gentleman's Magazine*, and made reports of the debates in Parliament one of its chief features. The *London Magazine* followed, and from these two sources the *Parliamentary History* for this period is chiefly constructed. The conflict of the House of Commons with the reporters and the press has been detailed in the body of the present work. In order to ensure accuracy in his reports, Cave sent proofs to the Speaker to be corrected, and he received valuable assistance in this way from members. Sir H. Cavendish's reports in the British Museum cover the sessions from 1768 to 1774, usually called the "unreported Parliament," because the rule for excluding strangers was rigidly enforced. Almost invariably at the commencement of a sitting, some member or other would "spy strangers," whereupon the gallery was immediately cleared by order of the Speaker. But Sir H. Cavendish, member for Lostwithiel, took full notes in shorthand, filling forty-nine small quarto volumes with his reports. Wright, who succeeded Cobbett as editor of the *Parliamentary History*, began the publication of Cavendish's *Debates* in 1841, but was compelled to halt half-way for lack of public support. Lord Palmerston was in vain petitioned to complete the work at the public expense; but as the unpublished portion is concerned with important events like the first disputes with the American colonies, it is hoped that the undertaking may yet be finished. It is recorded that William Woodfall—"Memory Woodfall," and not Henry Woodfall, the publisher of Junius—would stand at the bar of the House of Lords all night, or sit on a back bench in the gallery of the House of Commons, with no refreshment but a hard-boiled egg, and reproduce a whole debate without having taken a note. Perry, who purchased the *Morning Chronicle* in 1789, is credited with the first introduction of the "relief" system, by which reporters followed each other through the whole night; but there is no doubt that the system was in use on the *Times* from the very commencement of that journal. Lord Chancellor Campbell, when working his way at the Bar, was one of Perry's reporters for three sessions, but he was in a constant state of terror lest his connection with the press should be discovered by his legal associates. Out of twenty-three gentlemen regularly employed at one time in reporting the debates, eighteen were graduates of one or other of the universities.

The standard work of reference for the debates in Parliament, though albeit a defective one, is the *Parliamentary History*. The first twelve volumes were edited by Cobbett, and the whole thirty-six volumes relate the Parliamentary story from the Conquest up to the year 1803. The first volume comes down to the end of the reign of James I., and the sixth volume down to the end of the reign of Queen Anne. In compiling these and the succeeding volumes, the editors were indebted to the original diaries,

papers, and memoranda already indicated. But speeches by great men like Pitt and Fox are very defective. There is no report of that speech by Bolingbroke which Pitt said he would rather see restored than the lost books of Livy or Tacitus; and the speech of the elder Pitt concerning which Lord Temple wrote, "He spoke like an angel," is also altogether missing. The best speeches of Carteret, Townshend, Burke, Pitt, Fox, and Sheridan, were either not reported at all, or utterly spoilt, when a sketch of them was attempted. The *Parliamentary History* was followed by *Hansard's Debates*, a voluminous work which still continues its course. Parliamentary reporting in the nineteenth century is one of the great features of journalism. Gradually the public began to look to the newspapers for full and accurate reports of the Parliamentary debates, and at length the Legislature recognised the Reporters' Gallery as a necessary adjunct to our Parliamentary institutions. At first the reporters pursued their avocation under great difficulties, as Dickens and others have testified, but now they enjoy the fullest facilities for their work. The chief London and provincial journals present their readers every morning with admirable reports of the preceding night's debates in both Houses, and the *Times* especially has long been distinguished for the length and accuracy of its reports. Parliamentary oratory has attained to such a pitch of copiousness that sometimes twelve large volumes of *Hansard* are required to enshrine the eloquence of a single session.

INDEX.

Abbot, Speaker, and the Catholics, ii. 364
Aberdeen, Lord, foreign policy of, ii. 517
— becomes prime minister, ii. 520
Abjuration scheme, the (1690), ii. 38
Abolition of purchase, ii. 531
Abyssinian War, the, ii. 498
Act of Settlement, the (1701), ii. 78
— its provisions, ii. 79
Acton Burnell, Statute of, i. 149
Addington, Henry, first speaker of the Imperial Parliament, ii. 345
— becomes prime minister, ii. 346
— his resignation, ii. 349
— created Viscount Sidmouth, ii. 349 (*see* Sidmouth)
Addison, Joseph, secretary of state, ii. 234
Adelaide, Princess, ii. 448
Adjutators, the, i. 428
Affirmation Act of 1833, ii. 463
African slave trade, the, ii. 350
Aglionby, Mr., on liberty of conscience in 1571, i. 336
Agricultural Holdings Act (1875), ii. 533
Aislabie, chancellor of the exchequer, ii. 234
— expelled the House, ii. 238
Aix-la-Chapelle, Treaty of, ii. 273
Alfred the Great, constitutional progress under, i. 17
— his laws, i. 18
Alien Act passed, ii. 337
— renewed in 1818, ii. 367
Althorp, Lord, chancellor of the exchequer, ii. 449
America and the Mutiny Act, ii. 296
American colonies, English policy towards the, ii. 290
Amiens, Mise of, i. 131
— Treaty of, ii. 348
Anglo-Saxon organisation, i. 7
Anglo-Saxons, constitution under the, i. 34
— their national councils, i. 35
— judicial system of the, i. 36
— their privileges, i. 36
Anne, Queen, accession of, ii. 199
— her first speech in parliament, ii. 199
— confers honours on Marlborough, ii. 201
— and Prince George's Annuity Bill, ii. 201
— establishes Queen Anne's bounty, ii. 205
— the succession under, ii. 208
— ruled by her favourites, ii. 209
— she favours Sacheverell, ii. 215
— dismisses the Duchess of Marlborough, ii. 217
— opens parliament in 1712, ii. 220
— creates twelve peers, ii. 221
— her death, ii. 226
Annual Mutiny Act first passed, ii. 93
Annual parliaments ordered to be held by Edward III., i. 198
Argyle's rebellion suppressed, ii. 6
Armada, the Spanish, i. 346
Army and Navy Service Bill (1807), ii. 353
Army reforms, ii. 530
Arundel, trial of Earl of (1397), i. 236
— his successor imprisoned by Charles I., i. 382
Ashburton Treaty, the, ii. 517
Assembly of nominees, the, i. 450
Assize of arms, i. 71
— of the forest, i. 71
— of Clarendon, i. 75
— of Northampton, i. 77
— of measures, i. 86
Assizes, the Bloody, ii. 6
Athelstan, the laws of, i. 19
Atterbury, Bishop, prosecution of, ii. 240
Australian Colonies Bill, the, ii. 477
Aylesbury election case, the, ii. 204

Bacon, Francis, his first appearance in the Commons, i. 350
— his impeachment, i. 372
Baliol's parliament at Scone (1292), ii. 103
Ball, John, i. 225
Ballot, the, ii. 537, 546

Bangorian controversy, the, ii. 234
Bank Charter Act of 1833, ii. 464
— 1844, ii. 494
Bank-holidays Act, ii. 485
Bank of England established, ii. 48
Bankruptcy Acts, ii. 528
Barebone, Praise-God, i. 451
Barnard, Sir John, on Walpole's finance, ii. 252
Baronage, the Norman, i. 47
— estate of the, i. 171
Baronets, creation of, i. 369
Barons and King John, the, i. 103
Barré, Colonel Isaac, ii. 284
Bats, parliament of, i. 265
Baxter, Richard, imprisoned, ii. 4
Beaconsfield, Lord, dissolves parliament, ii. 513
— his foreign policy condemned, ii. 523
Beaufort, Cardinal, i. 268-9
Beaufoy's motions on the Test Act, ii. 331
Becket, his conflict with Henry II., i. 72
— his flight, i. 75
— excommunicates the bishops, i. 76
— his assassination, i. 76
Bedchamber Plot, the, ii. 477
Bedford, the Protector, i. 267
Bedford-Grenville ministry, the, ii. 290
Belhaven, Lord, his speech in the Scottish Estates, ii. 179
Berkeley, Bishop, and Bermuda, ii. 243
Berlin Congress, the, ii. 523
Bigamy, Statute of, i. 145
Bill of Rights, the, ii. 27
— text of the, ii. 561
Billeting Act, the, ii. 156
Birmingham, riot at (1791), ii. 336
Bishops' Bill of Elizabeth, the, i. 332
Bishops in parliament, the, i. 65
Black Prince, death of the, i. 217
Blackstone on general councils, i. 5
Blenheim, victory of, ii. 206
Board of Trade established, ii. 55
Bohun and Bigod, their patriotic action, i. 158
Bold speech of a Welsh judge, ii. 276
Bolingbroke, Henry St. John, secretary of war, ii. 206
— resigns office, ii. 212
— becomes secretary of state, ii. 216
— favours the Stuart restoration, ii. 225
— dismissed from office, ii. 227
— impeached, ii. 229
— his flight to the Continent, ii. 229
— subsequent career and death, ii. 241
Borough representation under Edward I., i. 167
— curiosities of, i. 168
Boroughs, privileges of the, i. 107
Boston Port Bill, the, ii. 310
Bracton on the Royal Prerogative, i. 141
Bradlaugh case, the, ii. 536
Bradshaw and Charles I., i. 437
Breda, Declaration of, i. 495
— Peace of, i. 515
Brehon Laws, the, ii. 374
Bretwalda, the title of, i. 7
Bribery Acts, ii. 285, 540
Bribery extraordinary, ii. 297
Bribery in Elizabeth's reign, i. 339
Bristol's case, Lord, i. 383
Britain under the Romans, i. 6
British Museum founded, ii. 277
"Broad Bottom" administration, the, ii. 271
Bromley, William, chosen speaker, ii. 217
Brougham, Lord, defends Queen Caroline, ii. 426
— his educational efforts, ii. 444
— Lord Chancellor, ii. 449
Brown Bread Act, the, ii. 347
Bruce's great parliament of 1326, ii. 103
Buckingham, impeachment of, i. 382
— and Arlington proceeded against, i. 526
Burdett, Sir Francis, and the Commons, ii. 356
— advocates parliamentary reform, ii. 365
— carries a Catholic Relief Bill, ii. 432
Burgesses, debate on the validity of, i. 336
Burgh, fall of Hubert de, i. 114
Burgh courts or parliaments, ii. 104
Burial Laws Amendment Act, ii. 537
Burke, Edmund, his first appearance in the Commons, ii. 294
— his scheme of economical reform, ii. 317
— his quarrel with Fox, ii. 333
— his famous dagger scene, ii. 337
— retires from parliament, ii. 343
— his death, ii. 344
Burnell, Robert, Edward I.'s chancellor, i. 144
Bute, Earl of, his rise, ii. 282
— becomes prime minister, ii. 284
— his vindictiveness, ii. 285
— unpopularity and resignation, ii. 287
Butt, Isaac, resigns the Irish leadership, ii. 512
Byng, Admiral, case of, ii. 280

Cabal Ministry, i. 518
Cabinet, the, ii. 587
— originated, ii. 93

Cade's rebellion, i. 272
Caen, Treaty of, i. 56
Calendar reform, ii. 274
Cambridge, Statute of, i. 233
Camden on the Witenagemot, i. 13
Campbell's Act, Lord, ii. 525
Canada, affairs of, ii. 474
Canada Bill, Pitt's, ii. 333
Canning, George, under-secretary for foreign affairs, ii. 343
— foreign secretary, ii. 354
— duel with Castlereagh, ii. 355
— president of the Board of Control, ii. 358
— declares in favour of the Catholic claims, ii. 364, 428
— becomes foreign secretary, ii. 429
— introduces bill to relieve Catholic peers, ii. 429
— attacks upon him, ii. 430
— memorable speech by, ii. 431
— becomes prime minister, ii. 433
— his premature death, ii. 433
— foreign policy, ii. 433
Canute's laws, i. 24
— spirit of his legislation, i. 25
— his redress of grievances, i. 26
Caroline, Queen, ii. 426
— her claims, ii. 426
— bill to degrade her, ii. 427
— its abandonment, ii. 427
— her death, ii. 428
Carteret, secretary of state, ii. 240
— sent to Ireland, ii. 240
— his resignation, ii. 271
Carucage of 1198, i. 87
Casket letters, the, ii. 131
Castlereagh, Lord, secretary for Ireland, ii. 343
— becomes foreign secretary, ii. 357
— his foreign policy, ii. 358
— and the union with Ireland, ii. 419
Catholic Association formed, the, ii. 431
— its suppression, ii. 436
Catholic claims supported by Canning, ii. 428
— efforts at relief, ii. 430
— emancipation carried, ii. 436
— its justification, ii. 438
Catholic offices, the, under James II., ii. 8
Cato Street conspiracy, the, ii. 425
Cattle plague, the, ii. 530
Cavalier or pension parliament called, i. 502
— its strong monarchical measures, i. 503
— its dissolution, i. 543
Cave, Edward, and the parliamentary debates, ii. 246
Cavendish, Lord F., assassination of, ii. 515
Central Criminal Court Act, ii. 464
Chamberlain's Bankruptcy Act, Mr., ii. 529
Chancellors of the Exchequer, List of the, ii. 568
Chancery court abolished, i. 452
Chandos, Marquis of, and the Reform Bill, ii. 451
Charity commission, origin of the, i. 353
Charles I., his character, i. 379
— his first parliament, i. 380
— conduct towards Lords Arundel and Bristol, i. 382
— his illegal imposts, i. 389
— governs without parliament, i. 392
— calls the Long Parliament, i. 399
— attempts to seize the five members, i. 408
— his position towards the House of Commons, i. 413
— final breach with parliament, i. 414
— takes the field, i. 416
— surrenders to the Scots, i. 423
— is delivered to the parliament, i. 424
— seized by the army, i. 426
— rejects the army proposals, i. 427
— his flight, i. 428
— treats with the Scots, i. 429
— parliament moves against him, i. 433
— his trial, i. 435
— condemnation and execution, i. 437
— his struggle with parliament considered, i. 439
Charles II. proclaimed, i. 497
— and the monarchy, i. 498
— bill of indemnity under, i. 498
— his revenue, i. 499
— dissolves the Convention Parliament i. 501
— his intrigues with Rome, i. 509
— his Declaration of Indulgence rejected, i. 510
— his policy, i. 518
— his second parliament, i. 520
— issues his Declaration of Indulgence, i. 521
— its withdrawal, i. 522
— is opposed by the Commons, i. 524
— suspends the sitting of parliament, i. 535
— his treaty with Louis, i. 539
— his anti-popish policy, i. 544
— appoints a council of thirty, i. 546
— opens the parliament of 1680, i. 549

Charles II. dissolves the parliament of 1680, i. 553
— calls the Oxford parliament, i. 554
— suddenly dissolves it, i. 557
— his death, i. 559
— parliamentary progress in his reign, i. 559
Chartist demonstration, ii. 538
Chatham, Earl of (William Pitt), in the House of Commons, ii. 260
— on the Spanish Convention, ii. 261
— paymaster of the forces, ii. 272
— powerful speech by, ii. 278
— secretary of state, ii. 279
— prosecutes the wars with vigour, ii. 280
— the "Great Commoner," ii. 281
— his resignation, ii. 283
— attacks upon, ii. 284
— speech on the American colonies, ii. 291
— becomes Lord Privy Seal, ii. 294
— his Order in Council, ii. 295
— speech on Wilkes's case, ii. 301
— attacks Lord North's ministry, ii. 307
— on parliamentary reform, ii. 308
— eloquent speeches on America, ii. 311
— his last great speech, ii. 313
— his death, ii. 315
Chesterfield, Lord, on the Playhouse Bill, ii. 259
— secretary of state, ii. 273
Childers, Mr., chancellor of the exchequer, ii. 500
Chinese difficulty with England, ii. 521
Church influence on the State, i. 13
— councils in the thirteenth century, i. 145
— reforms, ii. 465, 524
— rates, ii. 527
Churchill, Admiral George, ii. 210
Cider tax repealed, ii. 293
Civil service, the, ii. 530
Civil war constitutionally considered, i. 439
Clarendon, constitutions of, i. 72
— assize of, i. 75
Clarendon, proposed impeachment of the Earl of, i. 510
— his fall, i. 515
— is finally impeached, i. 516
— his flight, i. 517
Classes, the Act of, ii. 151
Clergy in parliament, i. 155
— and in convocation, i. 156
— disqualified for parliament, ii. 348
Coal and Iron Mines Act, ii. 481
Coalition government of Lord Aberdeen, ii. 520
Coalition Ministry of 1783, ii. 323
— its dismissal, ii. 324
Cobbett and Hone prosecuted, ii. 361
Cobden, Richard, and the Corn Laws, ii. 472
Coinage, depreciation of the, ii. 53
Coke, Sir Edward, i. 385
— Mr., sent to the Tower, ii. 10
Colonial slavery abolished, ii. 463
Colonial and Indian legislation, ii. 474
— Office, the, ii. 478
Commander-in-chief, the, ii. 530
Committee of safety formed, i. 487
— of Council, ii. 488
Commoners first summoned, i. 91.
Commons, House of, asserts its financial rights, ii. 43
— members bought by the East India Company, ii. 76
— at variance with the nation, ii. 83
— members instructed by their constituents, ii. 89
— discusses petitions for dissolving parliament, ii. 89
— great party conflict in, ii. 90
— acquires the chief power in the state, ii. 92
(*see* Parliament)
Commonwealth established, the, i. 443
— its close in 1660, i. 491
Communal orders in England, i. 35
Compton, Bishop, remarkable speech by, ii. 10
Connaught, sequestration of, ii. 388
Conspiracy to Murder Bill, the, ii. 521
Constantinople Conference (1876), ii. 522
Constituencies of the United Kingdom, Table of the, ii. 581
Constitution, bases of the, i. 4
— the, in the fourteenth century, i. 241
— the, from Edward I. to Victoria, ii. 548
Constitutional Addenda, ii. 549
Conventicle Act, the, i. 511
Convention assembles, the, ii. 19
— addresses the Prince, ii. 19
— declares the throne vacant, ii. 21
— becomes a parliament, ii. 30
Convention of royal burghs, ii. 105
Convention Parliament, meeting of the, i. 496
— its dissolution, i. 501
Convocation, i. 145
— and Bishop Hoadley, ii. 234
Corn Laws, sketch of the, ii. 443

Corn Laws, legislation (1815-31), ii. 443
— Wellington's sliding scale, ii. 444
— the repeal association, ii. 470
— Anti-Corn Law League, ii. 470
— motions by Mr. Villiers, ii. 470
— Peel's sliding scale, ii. 471
— repeal accomplished, ii. 473
Corporation Act passed, i. 504
Corrupt Practices Act (1883), ii. 541
Corry, Mr., vice-president of the Council, ii. 490
Cotton famine, the, ii. 529
Council of state elected in 1649, i. 444
— is dispersed by Cromwell, i. 449
— new council elected, i. 454
— that of 1659, i. 483
County court, the, i. 172
— courts, ii. 526
County elections, statute relating to (1406), i. 253
— further important statute (1430), i. 266
County franchise, the, ii. 538, 541
Country party, rise of the, i. 519
Court of session founded, ii. 125
Coutances, government of Walter de, i. 83
Coventry, parliament of, i. 275
Coventry Act, the, i. 521
Cowell, Dr., on divine right, i. 368
Coyne and livery, ii. 379
Craggs, Secretary, commits suicide, ii. 238
Criminal Law reforms, ii. 444, 524
Cromwell, Oliver, his early life, i. 416
— career in parliament, i. 417
— his relations with the Presbyterians, i. 421
— successes in the second civil war, i. 429
— his campaigns in Ireland and Scotland, i. 445
— expels the Long Parliament, i. 448
— becomes Lord Protector, i. 457
— his imposing installation, i. 458
— his instrument of government, i. 459
— his first parliament, i. 461
— attempts to limit his power, i. 462
— prolonged debates on his government, i. 463
— his constitutional aims, i. 465
— his foreign policy, i. 466
— summons a new parliament, i. 467
— attempts against his life, i. 467
— important speech in parliament, i. 467
— project for making him king, i. 469
— and the Humble Petition and Advice, i. 471
Cromwell, Oliver, declines the crown, i. 472
— his House of Lords, i. 474
— difficulties with the Houses, i. 474
— dissolves parliament, i. 476
— governs alone, i. 477
— his death, character, and influence, i. 477
Cromwell, Richard, Protector, i. 479
— his abdication, i. 482
Cromwell, Thomas, succeeds Wolsey, i. 310
— his fall, i. 313
Cromwellian settlement of Ireland, ii. 392
Crosby, Lord Mayor, and the Commons, ii. 304
Crown and its dependencies, the, ii. 478
Curia Regis, the, i. 43
Curiosities of borough representation, i. 168
Cyprus, ii. 535

Danby, Lord, his manipulation of parliament, i. 528
— brings about the marriage of Princess Mary, i. 529
— his impeachment, i. 542
— his imprisonment, i. 546
— released, ii. 5
— a second time impeached, ii. 52
Darien scheme, Isthmus of, ii. 55
— history of, ii. 166
Dashwood, Sir Francis, chancellor of the exchequer, ii. 285
— his financial measures, ii. 286
David II., parliaments of, ii. 106
David of Wales, his trial, i. 148
Davitt, Michael, founds the Land League, ii. 512
De Religiosis Statute, i. 147
Debates, reporting, forbidden, ii. 50
Declaration of Indulgence by Charles II., i. 521
— its withdrawal, i. 522
Declaration of Rights, the, ii. 25
Defoe, Daniel, and the *Legion Memorial*, ii. 83
Deposition of kings, i. 16
Derby, Lord, foreign secretary, ii. 522
— resigns in 1878, ii. 523
Dering, Sir E., expelled the House, ii. 248
Desmond, attainder of, ii. 386
Despensers, the, exiled, i. 189
— executed, i. 193
Digges, Sir D., i. 381
— his arrest, i. 382
Discipline, the Book of, ii. 129

Discipline, 2nd Book of, ii. 136
Disorderly assemblies, statute against, i. 504
Disraeli, Mr., chancellor of the exchequer, ii. 495
— his budget of 1852, ii. 495
— prime minister, ii. 508
— introduces Tory Reform Bill of 1859, ii. 543
— introduces Reform Act of 1867, ii. 545
(*see also* Lord Beaconsfield)
Dissenters and the Test Act, ii. 331
Dissenters' Relief Bill, ii. 316
— marriages, ii. 465
Dissolution, the power of, i. 404
Divine right asserted (1610), i. 368
Domesday Book, i. 47
Dominican friars, i. 131
Dooms of Ethelbert, i. 15
Dover, Treaty of, i. 519
Dowdeswell, Mr., and the Wilkes case, ii. 301
Dudley and Empson, i. 306
Dungannon, Convention of, ii. 409
Dunkirk sold by Charles II., i. 509
Dunning, John, appointed solicitor-general, ii. 298
— his motion on the influence of the crown, ii. 318
Dunstan, St., i. 21
Durham, Lord, Privy Seal, ii. 449
— his Canadian policy, ii. 475

East India Charter, ii. 463
East India Company formed anew, ii. 66
Eastern Question, the, ii. 522
Ecclesiastical Titles Act, ii. 527
Economical reform, ii. 317
Edgar, constitutional changes under, i. 21
Edmund, council of, i. 20
Edmund Ironside, i. 24
Edward, king of Wessex, i. 19
— his witan, i. 19
Edward the Confessor elected king, i. 28
— his legislation, i. 30
— collection of his laws, i. 32
Edward I., the great legislator, i. 142
— the real founder of the constitution, i. 144
— his quarrel with the clergy, i. 152
— calls his great parliament of 1295, i. 153
— is withstood by Bohun and Bigod, i. 158
— makes peace with Archbishop Winchelsey, i. 159
— confirms the charters in 1297, i. 161
Edward I. finally confirms the charters in 1301, i. 163
— resists the Pope, i. 164
— his later legislation, i. 165
— death and character, i. 166
— constitutional results of his reign, i. 169
Edward II., his accession, i. 181
— importance of his coronation, i. 182
— confirms the ordinances of the Lords Ordainers, i. 185
— his deposition, i. 193
— his subsequent fate, i. 195
Edward III., his martial character, i. 196
— important statutes of his reign, i 196
— great constitutional progress under, i. 196-7
— large money grants to, i. 200
— his difficulties as to aids, i. 208
— his strained relations with the Commons, i. 210
— important parliaments of, i. 214-15
— his last parliament, i. 218
— death of, i. 219
— character of his reign, i. 219
Edward IV., his first parliament, i. 279
— character of his reign, i. 281
— exacts benevolences, i. 282
— his last parliament, i. 283
— death and character, i. 284
Edward VI., his accession, i. 317
— his first parliament, i. 318
— issues the Book of Common Prayer, i. 320
— his popular measures, i. 320
— alters the succession, and dies, i. 322
Eldest sons of peers in the Lower House, i. 341
Eldon, Lord Chancellor, ii. 347
— opposes the Catholic claims, ii. 437
Elections of 1734, ii. 254
— of 1741, ii. 265
— to Parliament, ii. 584
Electoral abuses, ii. 322
Elementary Education Act (1870), ii. 491
Eliot, Sir John, i. 381
— his arrest, i. 382
— passage of arms with Speaker Finch, i. 390
— his imprisonment and death, i. 392
Elizabeth, the constitution under, i. 328
— her parliaments, i. 329
— establishes the Protestant religion, i. 330
— debates on her proposed marriage, i. 330

Elizabeth, her high-handed treatment of the Commons, i. 333
— legislates against Rome, i. 335
— popish plots against, i. 345
— her royal authority, i. 347
— her last parliament, i. 352
— her death, i. 353
— Reformation completed, i. 354
Ellenborough, Lord, and the Cabinet, ii. 353
Elutherius, Pope, on British institutions, i. 4
Employers and workmen, ii. 486
Encumbered Estates Act, ii. 505
Endowed Schools Act, ii. 490
"Engagement," the, ii. 151
England under the Tudors, i. 356
— without a government, ii. 280
English in the law courts, ii. 250
Ethelred's legislation, i. 22
— his laws against the slave trade, i. 22
Evesham, battle of, i. 136
Exchequer closed, the, i. 521
Exclusion Bill, the, i. 551
Extradition Act, ii. 534

Factory Acts of 1833, ii. 464
— later legislation, ii. 480
— Extension Act, ii. 482
— and Workshop Act (1878), ii. 482
Family Compact, the, ii. 283
Farnborough, Lord, on the Reform Bill of 1832, ii. 454
Fawcett, Mr., and religious tests, ii. 511
Fenian conspiracy, the, ii. 507
Fenwick, Sir John, his attainder and execution, ii. 61
Ferrers, George, his case of privilege, i. 315
Feudal system, the, i. 49
— revolt in 1173, i. 76
Fifth Monarchy men, i. 453
Financial measures (1880-85), ii. 500
Fines, Statute of, i. 304.
FitzGerald, Lord Edward, ii. 415
FitzPeter's justiciarship, i. 87
Fitzwilliam, Lord Lieutenant of Ireland, ii. 416
Five members, attempt to seize the, i. 408
Five Mile Act, the, i. 512
Fletcher of Saltoun, ii. 169
— his action on the union with England, ii. 169
— his scheme of securities, ii. 174
Floyd, cruel treatment of, i. 373
Folk Moot, i. 11
Foreign Enlistment Act, the, ii. 368
— (1870), ii. 536
Foreign policy under Queen Victoria, ii. 516
Forfeited Estates Bill of 1700, ii. 73
— is severely contested, ii. 73
Forgery Bill, ii. 446
Forster, W.E., his Endowed Schools Act, ii. 490
— his Elementary Education Act, ii. 491
— introduces Protection (Ireland) Bill, ii. 513
— introduces the Ballot Act, ii. 546
Fox, Charles James, his coalition with Lord North, ii. 323
— foreign secretary, ii. 323
— his India Bill, ii. 324
— quarrel with Burke, ii. 333
— his Libel Bill, ii. 334
— on the Sedition Acts, ii. 341
— temporarily secedes from parliament ii. 342
— again foreign secretary, ii. 352
— his death, ii. 353
Fox, Lord Holland, secretary-at-war, ii. 272
— secretary of state, ii. 278
Franciscan friars, i. 131
Frank-pledge, i. 19
Frederick, Prince of Wales, ii. 253
— opposes Walpole, ii. 257
— quarrels with the King, ii. 258
— his death, ii. 274
Free Trade, results of, ii. 474
Freeman on the Witenagemot, i. 11
Friars, influence of the, i. 131
Friendly Societies, ii. 483
Friends of the People Society, ii. 335
Fugitive slave circulars, ii. 535

Gaunt, John of, his influence, i. 213
Gaveston beheaded, i. 186.
General Assembly and the Covenant, ii. 163
George, Prince, Anne's Consort, ii. 201
— his Annuity Bill, ii. 201
— his death, ii. 212
George I., accession of, ii. 227
— opens parliament, ii. 228
— his death, ii. 244
George II., accession of, ii. 244
— retains Walpole in office, ii. 244
— his death, ii. 281
George III., accession of, ii. 282
— his first speech in parliament, ii. 283
— his personal views of government, ii. 286
— his Marriage Act, ii. 309
— his Civil List, ii. 313
— defeats Fox's India Bill, ii. 324

George III., his unconstitutional action, ii. 324
— demonstration against, on opening parliament, ii. 339
— his attitude on the Catholic question, ii. 346
— return of his malady in 1810, ii. 356
— the Civil List regulated under, ii. 366
— his death, ii. 368
George IV., his accession, ii. 425
— his coronation, ii. 428
— parliamentary reform under, ii. 440
— influence of the crown, ii. 447
— his Civil List, ii. 447
— his death, ii. 447
Georgia, colony of, founded, ii. 251
Gilbert's Workhouses Act, ii. 322
Gin Act, the, ii. 255
— repealed, ii. 269
Gladstone, W. E., junior lord of the treasury, ii. 459
— colonial secretary, ii. 473
— his budget of 1853, ii. 496
— his Free Trade budget of 1860, ii. 497
— abolishes the paper duty, ii. 498
— his later budgets, etc., ii. 498-9
— becomes prime minister, ii. 508, 513
— his Irish Church Act, ii. 508
— Irish Land Act of 1870, ii. 509
— defeated on Irish university education, ii. 510.
— his Irish Land Act of 1881, ii. 514
— his Irish Arrears Act, ii. 515
— his Compulsory Church Rates Abolition Act, ii. 528
— carries Abolition of Purchase, ii. 531
— opposes the Public Worship Regulation Act, ii. 533
— introduces Reform Bill of 1866, ii. 544
— his Reform Acts of 1884-5, ii. 546
Glamorgan Treaty, the, i. 423
Glencoe, Massacre of, ii. 162
Gloucester, Statute of, i. 146
— Duke of, dies (1700), ii. 74
Goderich, Lord, prime minister, ii. 434
Godolphin, first lord of the treasury, i. 559
— associates with the Whigs, ii. 40
— head of the treasury, ii. 40
— dismissed from office, ii. 216
— his death, ii. 224
Godwin, Earl of the West Saxons, i. 25
— his trial before the Witan, i. 27
Good Parliament, the, i. 216
Goodwin, Francis, case of, i. 361
Gordon riots, the, ii. 316
Government in the tenth century, i. 14
Graham, Sir J., first lord of the admiralty, ii. 449
Graham, Sir J., and the Factory Acts, ii. 481
— and Mazzini's letters, ii. 526
Grand Alliance formed, the, ii. 84
Grand Remonstrance, the, i. 406
Grandees, the, i. 429
Granville, Lord, foreign secretary (1870-74), ii. 522
— his foreign policy (1880-85), ii. 523
Grattan, Henry, and the Catholic claims, ii. 364.
— demands independence for Ireland, ii. 408.
— is rewarded, ii. 411
— his quarrel with Flood, ii. 413
— introduces a Pension Bill. ii. 415
— his duel with Corry, ii. 420
Great Charter, text of the, ii. 551
Great Council, composition of the, i. 46
Grenville, George, secretary of state, ii. 285
— becomes prime minister, ii. 287
— condemns the struggle with Wilkes, ii. 299
— his act on election petitions, ii. 307
— his views on the American struggle, ii. 307
Grenville, Lord, his Alien Act, ii. 337
— introduces the Treasonable Practices Act, ii. 340.
— foreign secretary, ii. 343.
— first lord of the treasury, ii. 352
— his dismissal, ii. 354
Grey, Earl, becomes premier, ii. 449
— his reform policy, ii. 453
— secessions from his ministry, ii. 457
— resigns office, ii. 458
Grey's debates, Anchitell, ii. 249
Grievances, supplies, and petitions, i. 207
Grote, George, and the Ballot, ii. 537
Ground Game Act, ii. 537
Gunpowder Plot, i. 365

Habeas Corpus Act (1679), i. 547
— suspended (1794), ii. 339
— again in 1817, ii. 360
— for Ireland, ii. 411
— provisions of the, ii. 559
Habeas Corpus test case, i. 384
Halifax, settlement of, ii. 273
Hall, Arthur, expelled from the House of Commons, i. 343
Hamilton conspiracy, the, ii. 133
Hamilton, "Single Speech," ii. 278
Hampden, John, i. 384
— resists ship-money, i. 393
— his death, i. 418
Hampden, John, chancellor of the exchequer, ii. 37

Hampden, John, commits suicide, ii. 52
Hanover, electoral family of, ii. 222
Hanoverian crown, the, ii. 467
Harcourt, Sir Simon, attorney-general, ii. 212
— Lord Keeper, ii. 216
Hardicanute chosen king, i. 27
Hardwicke's (Lord) Marriage Act, ii. 277
Harley, Robert, elected speaker, ii. 76
— becomes secretary of state, ii. 206
— resigns office, ii. 211
— forms a new ministry, ii. 216
— is created Earl of Oxford, ii. 216
— intrigues with the Jacobites, ii. 217
— his attempted assassination, ii. 218
— becomes lord treasurer, ii. 220
— is dismissed, ii. 226
— impeached, ii. 229
— and acquitted, ii. 230
Harold I. chosen king, i. 27
Harold II. elected king, i. 32
— his government, i. 33
Hastings, Warren, impeachment of, ii. 327
— Sheridan's "Begum" speech against, ii. 328
— scene at the trial, ii. 329
— Burke's opening address, ii. 329
— speech of Sheridan, ii. 330
— acquittal of the accused, ii. 330
Haxey's case, i. 235
Hearth tax of 1662, i. 507
"Hearts of Oak Boys," ii. 405
"Hearts of Steel Boys," ii. 405
Henry I., i. 57
— his charter of liberties, i. 57
— his policy, i. 58
— administrative acts, i. 59
— ecclesiastical policy, i. 60
— his councils and charters, i. 60
Henry II., his character and policy, i. 69
— his searching reforms, i. 70
— enlarges the national council, i. 71
— his judicial changes, i. 71
— his quarrel with Becket, i. 72
— his great councils, i. 75
— conquest of Ireland, i. 76
— absolution by the Pope, i. 76
— his death, i. 79
— character of his reign, i. 80
Henry III., his coronation, i. 110
— re-issues the great charter, i. 111
— his second coronation, i. 112
— assumes the government, i. 113
— his councils and ministers, i. 113
— fills his court with foreigners, i. 117
— reproves the bishops, i. 123
— is resisted by parliament, i. 124
— recovers his power, i. 129
Henry III., death of, i. 139
— constitutional rights gained under his reign, i. 140
Henry IV. elected king, i. 239
— his coronation, i. 245
— first parliament, i. 246
— becomes unpopular, i. 250
— complaints against his government i. 251
— his death, i. 257
Henry V., his first parliament, i. 258
— constitutional reform under, i. 260
— his later parliaments, i. 262
— his death, i. 263
Henry VI., his accession, i. 263
— Bedford appointed protector, i. 264
— national finances under, i. 267
— York appointed protector over him, i. 274
— his fall, i. 276
— his attainder, i. 280
— his death, i. 282
Henry VII., his character, i. 297
— title to the throne, i. 298
— his marriage, i. 299
— appoints a commission of judges, i. 300
— suppresses pretenders, i. 300
— his parliaments, i. 301
— refounds the monarchy, i. 301
— his laws, i. 302
— character of his legislation, i. 303
— encourages trade and navigation, i. 304
— constitution under, i. 304
Henry VIII., establishes the Reformation, i. 305
— breaks with Rome, i. 306
— his policy and parliaments, i. 306
— the Commons submissive to him, i. 308
— is made Supreme Head of the Church, i. 310
— alters the succession, i. 313
— the representation under, i. 315
— his character and work, i. 316
Heresy, Statute of (1401), i. 249
High Commission Court, Scotland, restored, ii. 155
Higher education, ii. 491
Hill, Abigail, and Queen Anne, ii. 209
Hill, Rowland, and the Penny Postage, ii. 494
Hoadley, Bishop, and Convocation, ii. 234
Holland and the Commonwealth, i. 446
— peace with (1674), i. 527
Holy Alliance, the, ii. 358
Home Rule League formed, ii. 510

House of Commons, packing of, i. 198
— considered as advisers, i. 206
— their grievances and petitions, i. 207
— control the supplies, i. 223
— assert their right as to grants, i. 254
— growing power of, under Elizabeth, i. 356
— their claims under James I., i. 364
— their famous protest of 1621, i. 375
— boldness under Charles I., i. 380
— the right of free speech, i. 392
— committee of the whole House, i. 403
— memorable scene in 1642, i. 409
— claims control of the army, i. 412
— final breach with Charles I., i. 414
— its appropriation of supplies, i. 513
— checks the public expenditure, i. 514
— venality in, i. 528
— unparalleled scene in, i. 530
— its proceedings in the case of Shirley and Fagg, i. 531-3
— another violent scene in, i. 537
— orders its votes to be printed, i. 550
— re-asserts the right of impeachment, i. 556
— its numbers, ii. 584
(*see also* Parliament)
House of Lords abolished in 1649, i. 443
— its numbers, ii. 584
(*see* Parliament)
House of Lords' Journals, when begun, i. 306
House tax abolished, ii. 464
Houses of Parliament, separation of, i. 199
— conference between (1373), i. 216
— bold attitude towards Richard II., i. 226
— place of meeting, i. 293
— differences on the right of impeachment, i. 556
(*see also* Parliament)
Housing of the working classes, ii. 486
Humble Petition and Advice, the, i. 471
Hungerford, Sir Thomas, first Speaker of the House of Commons, i. 218
Huskisson, Mr., under-secretary for war, ii. 343
— secretary to the Treasury, ii. 354
— president of the Board of Trade, ii. 429
— his commercial policy, ii. 442
— his efforts towards Free Trade, ii. 445

Impeachments, not abated by a dissolution, i. 546
— the case of FitzHarris, i. 556
"Incident," the, ii. 149
Income tax imposed by Pitt, ii. 344
Income tax, abolition of, ii. 366
— reimposed in 1842, ii. 494
Independents and Presbyterians, the, struggle between, i. 425
India, the government of, ii. 479
Indian legislation, ii. 479
— finances, ii. 497
Ine's laws, i. 15
Innocent III. annuls the Great Charter, i. 103
Inquest of 1170, i. 75
Insolvent Debtors' Relief Bill, ii. 366
Instrument of government, the, i. 459
International questions, ii. 534
Ireland and its parliament, ii. 373
— Brehon laws of, ii. 374
— provincial kingdoms, ii. 375
— Norman invasion, ii. 375
— policy of Henry II., ii. 376
— the Pale, ii. 376
— the first Irish parliament, ii. 377
— legislation of Edward II., ii. 378
— the Commons in parliament, ii. 379
— Statute of Kilkenny, ii. 380
— laws of Richard II. and Edward IV., ii. 381
— under Henry VII., ii. 381
— Poynings' law, ii. 382
and the Reformation, ii. 383
— Elizabeth's government, ii. 384
— arbitrary taxation, ii. 385
— free schools, etc., ii. 386
— James I.'s legislation, ii. 386
— plantation of Ulster, ii. 387
state of the representation, ii. 387
— sequestration of Connaught, ii. 388
— perfidious conduct of Charles I. and Wentworth, ii. 389
— parliament of 1640, ii. 390
— rebellion of 1641, ii. 390
the Cromwellian settlement, ii. 392
— settlement of Charles II., ii. 393
— parliament of 1661, ii. 394
— Act of Explanation, ii. 395
— Ormonde's policy, ii. 395
— action of James II., ii. 395
— parliament of 1689, ii. 396
— repeal of the Act of Settlement, ii. 396
pacification of Limerick, ii. 397
— severe legislation of William and Anne, ii. 398
— legislative independence mooted, ii. 399
— Molyneux's *Case of Ireland Stated*, ii. 399
— Catholics excluded from parliament, ii. 400
— Test and Schism Acts, ii. 401

Ireland, parliament of, subordinated to England, ii. 401
— Wood's halfpence, ii. 402
— mixed marriages, ii. 403
— the revenue, ii. 403
— its state on the accession of George III., ii. 404
— the "White Boys," ii. 405
— Octennial Act, ii. 406
— the Commons intractable, ii. 406
— their growing independence, ii. 407
— Catholic Relief Bill, ii. 407
— the Volunteers, ii. 408
— Grattan demands independence, ii. 408
— permanent Mutiny Act, ii. 409
— Convention of Dungannon, ii. 409
— Catholic relief measures, ii. 410
— Declaration of Rights, ii. 410
— independence granted, ii. 411
— Habeas Corpus Act, ii. 411
— the national outlook, ii. 413
— parliamentary reform, ii. 413
— Pitt's commercial policy, ii. 414
— the "Right Boys," ii. 415
— "Peep o' Day Boys," ii. 415
— the Regency, ii. 415
— United Irishmen, ii. 415
— English concessions, ii. 416
— Insurrection Act, ii. 416
— rebellion of 1798, ii. 416
— Pitt's scheme for a Union, ii. 417
— the plan rejected, ii. 418
— bribery resorted to, ii. 418
— proposals for a Union carried, ii. 419
— the Union effected, ii. 420
— legislative changes, ii. 421
— the results of the Union, ii. 421
Ireland, education in, ii. 493
Irish rebellion (1641-50), i. 406
— estates disposed of by William III., ii. 71
— franchise, the, ii. 438
— Tithes Bill, ii. 460
— Municipal Bill, ii. 502
— Church Act, ii. 508
— Land Act (1870), ii. 509
— Peace Preservation Act, ii. 509
— Home Rule League, ii. 510
— University Education, ii. 510
— Nationalists in parliament, ii. 511
— University Act, ii. 512
— Land Act (1881), ii. 514
— Arrears Act, ii. 515
Isabella, Queen, and Roger Mortimer, i. 192

Jacobite rising in 1715, ii. 231
— plot in 1722, ii. 240
Jacobite rebellion of 1745, ii. 271
Jamaica, affairs of, ii. 476
— its constitution abolished, ii. 477
James I., his title to the crown, i. 359
— arbitrary policy, i. 360
— his views of parliament, i. 365
— exactions, i. 367
— his last parliament, i. 376
— constitutional advances during his reign, i. 378
James II., his accession and policy, ii. 3
— first speech in council, ii. 3
— opens his only parliament, ii. 4
— relations with the Dissenters, ii. 5
— grants Catholic commissions, ii. 6
— projects a standing army, ii. 7
— suddenly prorogues parliament, ii. 12
— his Declaration of Indulgence, ii. 12
— his second Declaration, ii. 13
— his flight, ii. 15
— character and misgovernment, ii. 16
— his self-deposition, ii. 20
— the throne declared vacant, ii. 21
— his death, ii. 85
James I. of Scotland, ii. 111
— his policy and death, ii. 112
James III. of Scotland, reign of, ii. 113
— legislation under, ii. 115
— his death, ii. 115
— legislation against his assassins, ii. 116
James V. of Scotland, legislation under, ii. 118
James VI. holds a parliament at Holyrood, ii. 136
— his breach with the Presbyterians, ii. 140
— restores Episcopacy, ii. 141
Jekyll, Sir Joseph, on the impeachment of Oxford, ii. 229
— supports Walpole's excise scheme, ii. 253
— introduces the Gin Act, ii. 255
"Jenkins's ear," ii. 261
Jewish disabilities removed, ii. 528
Jews expelled by Edward I., i. 151
Jews' Naturalisation Bill in 1753, ii. 276
John, King, succeeds to the crown, i. 88
— his coronation, i. 89
— his character, i. 89
— loses Normandy, i. 89
— his unconstitutional acts, i. 90
— his tyranny, i. 90
— surrenders to the Pope, i. 91
— his strife with the barons, i. 94
— grants *Magna Carta*, i. 95
— his death, i. 104

Journals of the House of Commons begun in 1547, i. 317
Judicature Act, Supreme Court of, ii. 532
Judicial circuits, formation of, i. 78
"Junius," ii. 308
Justiciar, the Norman, i. 41

Kemp, Archbishop, i. 268, i. 274
Kenilworth, battle of, i. 136
— Dictum of, i. 138
Kentish petition, the, ii. 82
— proceedings against its framers, ii. 82
Kildare, Earls of, ii. 382
Kilkenny, Statute of, ii. 380
Kilwardby, Archbishop, i. 144
Kingsbury, Council of, i. 16
Knighthood, growth of, i. 49
— compulsory, i. 146
Knights of the shire, i. 172
— election of, i. 174
Knox, John, death of, ii. 134

Labourers, statutes of, i. 209-10
Ladies in parliament, i. 11
Lambert expels the House of Commons, i. 487
Lancaster, Earl of, his power under Edward II., i. 188
— his execution, i. 190
Land League, the, ii. 512
Land tax, the, ii. 295
Landed Estates Court, ii. 506
Lanfranc and Odo, great suit between, i. 51
Langton, patriotism of, i. 94
— his death, i. 113
Lansdowne, Lord, president of the Council, ii. 449
Latimer, Lord, impeached, i. 217
Laud, Archbishop, his religious policy, i. 387
— attempts to force his Liturgy in Scotland, i. 396
— his execution, i. 420
Lauderdale, proceedings against, i. 526
— and Middleton, quarrel between, ii. 157
Legion Memorial, the, ii. 83
Legislation, how effected, i. 177
Leighton's case, Alexander, i. 395
Lenthall, Speaker, i. 399, 403
Levellers, stringent measures against the, i. 445
Lewes, battle of, i. 132
— Mise of, i. 132
Libel, the law of, ii. 525
Liberty of the Press established, ii. 57
Licensing laws, the, ii. 532
Life peers, i. 291
Lilburne, cruel treatment of, i. 395
Limerick, pacification of, ii. 397
Lincoln, parliament of, i. 164
Little Parliament, meeting of the, i. 451
— is suddenly broken up, i. 454
Littleton, Sir George, chancellor of the exchequer, ii. 279
Liverpool, Lord, becomes premier, ii. 357
— indemnity bill for his Ministry, ii. 366
Local Government Board formed, ii. 531
Locke, John, reports a debate, ii. 249
Lollards, statute against (1414), i. 260
London, charter granted to, by Henry I., i. 61
— its first mayor, i. 107
— protection of, ii. 242
— lighting of, ii. 256
London Corresponding Society, ii. 336
— its suppression, ii. 342
Long Parliament summoned, i. 399
— its forcible dissolution by Cromwell, i. 448
— is recalled, i. 482
— restored for the third time, i. 488
— finally dissolved, i. 491
Longbeard, the first English demagogue, i. 86
Longchamp, overthrow of, i. 82
Lord Chancellors, List of the, ii. 565
Lords, the, and James II., ii. 11
— they declare the throne not vacant, ii. 23
— afterwards agree with the Commons, ii. 24
(*see* Parliament)
Lords, the House of, a court of appeal, i. 343
Lords Ordainers appointed, i. 184
— Appellant of 1397 condemned, i. 247
— Auditors of Complaints, the, ii. 125
Lords of Council, the Scotch, ii. 125
Lords of the Articles, the, ii. 109
— agitation against, ii. 159
— their abolition, ii. 161
Lovat and the Queensberry Plot, ii. 171
Lowe, Mr. (Lord Sherbrooke), his revised code of 1862, ii. 489
— his budgets, ii. 499
Lubbock, Sir John, his measures for the working classes, ii. 485
Luddite riots, the, ii. 359
Lutherans, immigration of, ii. 218

Macaulay, Lord, secretary to the Board of Control, ii. 449

Macclesfield, Chancellor, impeachment of, ii. 243
Mackintosh, Sir James, reforms the Criminal Laws, ii. 444
Mad Parliament, the, i. 126
Magna Carta, i. 95
— its character, i. 96
— and provisions, i. 97
— spirit and effect of, i. 100
— an impetus to freedom, i. 109
— its text translated, ii. 551
Major-generals, government by, i. 465
Making a House, i. 403
"Manchester Massacre, the," ii. 362
Mansfield's decision against slavery, ii. 344
Marlborough, Statute of, i. 139
Marlborough intrigues with the Jacobites, ii. 35
— is created a Duke, ii. 201
— honours to, ii. 207
— his grasping policy, ii. 213
— his fall, ii. 221
— proceedings against, ii. 222
made commander-in-chief, ii. 228
— the Duchess of, dismissed, ii. 217
Marston Moor, battle of, i. 420
Marvell, Andrew, reports debates, ii. 249
Masham, Mrs., her intrigues, ii. 217
Mary, Queen, accession of, i. 322
— arrests the work of the Reformation, i. 322
— her first parliament, i. 323
— her Marriage Bill, i. 324
— again unites England with Rome, i. 324
— persecutes the Reformers, i. 325
— her death, i. 327
Mary II., death of, ii. 50
— its effect on parties, ii. 51
Mary, Queen of Scotland, marries the Dauphin, ii. 119
— movements on her behalf, ii. 123
— recognises the Reformation, ii. 130
— marries Bothwell, ii. 131
— her abdication, ii. 131
— repudiates Casket Letters, ii. 132
— her impeachment resolved on, i. 340
— her trial and execution, i. 345, ii. 139
Maynooth Act, ii. 504
Mayors disqualified, i. 363
Mazzini's letters opened, ii. 526
Meal-Tub Plot, the, i. 548
Melbourne, Lord, home secretary, ii. 449
— becomes premier, ii. 458
— is suddenly dismissed, ii. 458
— returns to office, ii. 460
Melbourne, Lord, his declaration on the Corn Laws, ii. 471
Melville, Viscount, impeachment of, ii. 351
Members of parliament, first case of imprisonment of, i. 164
— their wages, i. 176
— fined for non-attendance, i. 227
— payment of, abandoned, i. 536
Merciless Parliament of 1388, the, i. 231
Merton, statutes of, i. 117
Middlesex, impeachment of Lord, i. 377
Military and Naval Officers' Oaths Bill, ii. 365
Militia, the, ii. 316
Ministerial responsibility established, i. 527
Ministries of Queen Victoria, the, ii. 576
Ministry of "All the Talents," ii. 352
Ministry, the, ii. 587
Mist's Journal, case of, ii. 241
Mitchel, John, ii. 511
Mitford's Catholic Relief Bill, ii. 334
Molyneux's *Case of Ireland*, ii. 399
Mompesson, impeachment of Sir Giles, i. 372
Monarchy abolished in 1649, i. 443
Monasteries, suppression of the, i. 311
Monetary Panic in 1825, ii. 446
— in 1857, ii. 496
Monk, General, i. 488
— his letter to the speaker, i. 488
— demands a new parliament, i. 489
— his negotiations with Charles II., i. 495
Monmouth's rebellion suppressed, ii. 6
Monopolies condemned in 1601, i. 352
Montague, Charles, his financial schemes, ii. 47
— establishes the Bank of England, ii. 48
— deals with the coinage, ii. 53
— is created Lord Halifax, ii. 74
— his impeachment, ii. 81
Montague, Lord, imprisoned, i. 363
Montfort, Simon de, i. 118
— his early life, i. 119
— a favourite in England, i. 120
— the popular spokesman, i. 125
— quarrels with Gloucester, i. 128
— his great parliament of 1265, i. 134
— his death and character, i. 137
— his influence and labours, i. 138
More, Sir Thomas, and Wolsey, i. 307
— his fall and death, i. 310
Morpeth, Lord, chief secretary for Ireland, ii. 460
— his Irish Tithes Bill, ii. 460

Morpeth, Lord, his Municipal Corporations Bill, ii. 502
Mortimer, Roger, his trial and execution, i. 198
Mortimer's conspiracy, i. 252
Mortmain Act, the, ii. 255
Mortmain, Statute of, i. 147
Morton, the Scottish regent, ii. 135
— his trial and execution, ii. 136
Mundella, Mr., vice-president of the Council, ii. 492
Municipal Corporations Act, ii. 462
Municipal corporations strengthened under Henry VII., i. 301
Municipal progress under Richard I., i. 88
Murray, Alexander, resists the Commons, ii. 275
Murray, the Scottish regent, ii. 132
— his assassination, ii. 133
Mutiny Act first passed, ii. 93

Naming a member, i. 403
Napoleon III. and England, ii. 521
Napoleon's Berlin Decrees, ii. 353
Naseby, battle of, i. 423
National Assemblies, continuity of, i. 5
National councils, frequency of, i. 77
— voting in the, i. 178
National Debt, the, originated, ii. 47
— great increase in the, ii. 369
— changes in the, ii. 501
National Land Bank, failure of the (1696), ii. 60
Naturalisation Act, the, ii. 535
Naval Prize Act, ii. 536
Navigation Laws, the, ii. 526
Naylor, James, the "Quakers' Apostle," i. 470
New Zealand, ii. 478
Newcastle, the Duke of, premier, ii. 278
Newport, Treaty of, i. 429
Newspaper stamp duty, ii. 465
Newspapers, restrictions on, ii. 342
Newton, Sir Isaac, returned to parliament, ii. 85
"No rent" agitation, ii. 513
Nominations, Government interference in, i. 340
Nominees, Assembly of, the, i. 450
Non-resistance, doctrine of, i. 529
Norman Conquest, changes resulting from it, i. 38
— political bearings of the, i. 63
Norman public councils, i. 42
— court days, i. 50
— legislation, i. 64
— invasion of Ireland, ii. 375
Normans, revenue and taxation under the, i. 44
— their ownership of land, i. 49
North American confederation, ii. 476
Northampton, stormy council at, i. 74
— Assize of, i. 77
— Parliament of, i. 139
Northcote, Sir Stafford, his Act on friendly societies, ii. 484
North, Lord, chancellor of the exchequer, ii. 296
— his conduct in Wilkes's case, ii. 301
— becomes premier, ii. 306
— his India Act, ii. 309
— his American policy, ii. 312
— his fall, ii. 320
— in the Coalition Ministry, ii. 323
Northumberland's parliament of 1553, i. 321
Nottingham, great council at, i. 84
Nottingham, Earl of, Lord President, ii. 228
Nowel, Prebendary, expelled by the Commons, i. 323
Nullum Tempus Act, the, ii. 296

Oates, Titus, i. 540
Oblivion, Act of, ii. 129
Occasional Conformity Bill, the, ii. 202
— its repeal, ii. 235
O'Connell, Daniel, ii. 431
— and County Clare, ii. 438
— his trial and release, ii. 503
Office-holders in parliament, ii. 208
Oglethorpe's benevolent schemes, General, ii. 251
Oldcastle's rebellion, i. 259
Onslow, Arthur, chosen speaker, ii. 245
— his retirement, ii. 283
Onslow, Sir Richard, chosen speaker, ii. 212
Orange Lodge in Ireland, the first, ii. 415
Orange, Prince of, i. 527
— his marriage, i. 538
(*see also* William III.)
Order and privilege, cases of, i. 373
Order of the Garter founded, i. 209
Orders in Council against Napoleon, ii. 353
Ordinances of 1311, i. 185
— annulled, i. 191
Oregon treaty, the, ii. 517
Orlton, Bishop of Hereford, and Edward II., i. 193
— appointed treasurer, i. 197
Ormonde, Lord Lieutenant of Ireland ii. 216
— Commander-in-chief in Flanders, ii. 223

Ormonde, Lord, his policy in Ireland, ii. 395
Oxford, Witenagemots at, i. 26, 31
— Council at (1213), i. 92
— provisions of, i. 126
— University, visitation of, i. 256
— Parliament of Charles II., i. 554

Paine, Thomas, his *Rights of Man*, ii. 336
— his prosecution for treason, ii. 338
Palatine counties, i. 41
Palmerston, Lord, secretary-at-war, ii. 355
— foreign secretary, ii. 449
— his foreign policy, ii. 516
— his difficulty with Greece, ii. 518
— reproved by the Queen, ii. 519
— his dismissal, ii. 520
— becomes prime minister, ii. 521
— his later policy, ii. 521
Paper duty abolished, the, ii. 498
Papists, proceedings against the, i. 541
Paris, Treaty of (1763), ii. 285
— second Peace of, ii. 359
Parliament, origin of, i. 3
— meaning of the term, i. 5
— the name first used, i. 106, 122
— Edward I.'s model parliament, i. 167
— of White Bands, i. 190
— of 1322, i. 192
— declares the abdication of James II., ii. 21
— passes Bill of Rights, ii. 27
— confers the crown on William and Mary, ii. 28
— settles the revenue, ii. 33
— disbands the army (1697), ii. 64
— collision between the Houses, ii. 65
— again disbands the army (1698), ii. 68
— William III. and the Commons, ii. 70
— the Irish forfeited estates, ii. 71
— the Act of Settlement, ii. 78
— impeaches Somers, ii. 80
— its action against the Kentish petitioners, ii. 82
— William III.'s last parliament, ii. 86
— the Pretender attainted, ii. 88
— discusses the Act of Union with Scotland, ii. 184
— the act carried, ii. 189
— the Aylesbury election case, ii. 204
— contest for speaker in 1705, ii. 207
— first parliament of Great Britain, ii. 210
— proceeds against Walpole and Marlborough, ii. 222
— impeaches Bolingbroke and Oxford, ii. 229
— passes the Septennial Act, ii. 231
Parliament inquires into the South Sea Bubble, ii. 238
— impeaches Lord Macclesfield, ii. 243
— forbids parliamentary reporting, ii. 246
— passes the Playhouse Bill, ii. 258
— proceeds against Walpole, ii. 268
— legislates against the Jacobites, ii. 272
— reforms the calendar, ii. 274
— persecutes Alexander Murray, ii. 275
— and John Wilkes, ii. 288
— and the American Colonies, ii. 290
— renews its struggle with John Wilkes, ii. 299
— is finally defeated, ii. 303
— publication of debates, ii. 303
— first united parliament meets, ii. 345
— debates on the Ministry and the Crown, ii. 354
— is suddenly dissolved by the Prince Regent (1818), ii. 367
— bill to degrade Queen Caroline, ii. 427
— its abandonment, ii. 427
— reform proposals, ii. 440
— the Corn Laws, ii. 443
— the first Reform Bill (1831), ii. 449
— the second Reform Bill, ii. 451
— the third Reform Bill (1832), ii. 452
— the bill carried, ii. 454
— its provisions, ii. 454
— dissolution of 1834, ii. 459
— legislation under Queen Victoria, ii. 467
— the Corn Laws repealed, ii. 469
— Colonial and Indian legislation, ii. 474
— legislation for the working classes, ii. 480
— Education Acts, ii. 487
— financial legislation, ii. 494
— Irish legislation, ii. 501
— Irish Church Act, ii. 508
— Irish Land Act, ii. 509
— Irish obstruction, ii. 511
— dissolution of 1880, ii. 513
— suspension of Irish members, ii. 513
— Irish Land Act (1881), ii. 514
— Crimes Act, ii. 515
— Irish Arrears Act, ii. 515
— Mr. Parnell's Land Bill, ii. 516
— foreign affairs, ii. 516
— general legislation under Queen Victoria, ii. 524
— army reforms, ii. 530
— the licensing laws, ii. 532
— the exclusion of strangers, ii. 533

Parliament, Public Worship Regulation Act, ii. 533
— shipping legislation, ii. 534
— Bradlaugh case, ii. 536
— reform legislation, ii. 537
— Bribery Acts, ii. 540
— county franchise, ii. 541
— Reform Bill of 1859, ii. 543
— Reform Bill of 1860, ii. 543
— the borough franchise, ii. 544
— Reform Bill of 1866, ii. 544
— Reform Act of 1867, ii. 545
— Ballot Act, ii. 546
— Reform Acts of 1884-5, ii. 546
Parliament houses destroyed (1834), ii. 466
Parliament, the "Drunken," ii. 155
Parliamentary debates, first reported, i. 120
— reporting the, ii. 246
Parliamentary manners, i. 403
Parliamentary Privilege, Order, Procedure, etc., ii. 591
Parliamentary privilege, stormy debates on, i. 337, 341
— Sir Thomas Shirley's case, i. 362
Parliamentary privileges, curious, ii. 276
Parliamentary reform, first motion on, ii. 271
— Duke of Richmond's bill, ii. 318
— Pitt's motions, ii. 319
— motions for (1790 to 1797), ii. 335
— during George IV.'s reign, ii. 440
— corrupt boroughs, ii. 441
— disfranchisement proposals, ii. 441
— the ballot, ii. 442
— Reform Bill of 1831, ii. 449
— dissolution of parliament, ii. 450
second Reform Bill, ii. 451
— great popular excitement, ii. 452
— third Reform Bill, ii. 452
— the bill carried, ii. 454
— its provisions, ii. 454
— Bribery Acts, ii. 540
— the county franchise, ii. 541
— Reform Bill of 1859, ii. 543
— Reform Bill of 1860, ii. 543
— Reform Bill of 1866, ii. 544
— Reform Act of 1867, ii. 545
— the Ballot Act, ii. 546
— Reform Acts of 1884-5, ii. 546
Parliamentary Reporting, ii. 601
Parliaments of England and of the United Kingdom, Tabulated List of the, ii. 569
Parnell, C. S., and Irish obstruction, ii. 512
— his arrest and release, ii. 515
Parnell, C. S., his Land Bill, ii. 516
Parnell, Sir Henry, his motion on the Civil List, ii. 449
Parnell, Sir John, Irish chancellor of the exchequer, ii. 417
Parochial system under the Tudors, i., 354
Parry, Dr. William, i. 344
Partition treaty between England, France, and Holland, ii. 67
— second treaty (1700), ii. 75
Patent Law, the, ii. 464
Paterson, William, and the Bank of England, ii. 48
Patrick, Saint, ii. 373
Patriotic Association under William III., ii. 59
Paul's, St., Parliament at, i. 93
Payment of members abandoned, i. 536
Peasant revolt of 1381, i. 224
Peckham, Archbishop, his independence, i. 146
Peel, Sir Robert, under-secretary for the colonies, ii. 355
— secretary for Ireland, ii. 358
— his proposals for cash payments, ii. 368
— becomes home secretary, ii. 429
— supports Catholic claims, ii. 435
— introduces the Catholic Relief Bill, ii. 436
— becomes premier, ii. 459
— repeals the Corn Laws, ii. 473
— fall of his ministry, ii. 474
— the Bedchamber Plot, ii. 477
— reimposes the income tax, ii. 494
— fall of his ministry, ii. 504
Peerage Bill, Stanhope's, ii. 236
Peers, Life, i. 291
Pelham, Henry, prime minister, ii. 270
— chancellor of the exchequer, ii. 273
— his death, ii. 277
Penn, William, and James II., ii. 4
Penny postage, ii. 494
Penruddocke, Colonel, beheaded, i. 465
Perceval, Spencer, prime minister, ii. 355
— his assassination, ii. 357
Perrers, Alice, banished, i. 217
Perrott, Sir John, Irish Deputy, ii. 386
Perth, parliament of, ii. 108
— Five Articles of, ii. 143
Petition of Right, i. 386
— text of the, ii. 557
Petition, right of, i. 504
Philadelphia, Congress at, ii. 310
Phœnix Society, the, ii. 506
Pipewell, Council of, i. 81
Pitt, William, his early career, ii. 319

Pitt, William, his motions on parliamentary reform, ii. 319
— prime minister, ii. 324
— his skilful tactics, ii. 325
— dissolves parliament in 1784, ii. 326
— carries his India Bill, ii. 326
— ungenerous conduct towards Fox, ii. 327
— his sinking fund scheme, ii. 327
— his Canada Bill, ii. 333
— introduces the Seditious Meetings Bill, ii. 341
— his ministry reconstituted (1794), ii. 343
— financial policy in 1798-9, ii. 344
— imposes income tax, ii. 344
— resigns on the Catholic question, ii. 346
— again becomes premier, ii. 350
— his death, ii. 351
— policy and character, ii. 352
Place Bill, the, ii. 43
— again discussed, ii. 46
— passed, ii. 269
Plague of 1349, the, i. 209
Plantagenets, the constitution under the, i. 288
— privileges gained under the, i. 290
Playhouse Bill, the, ii. 258
Police established, the, ii. 466
Poll tax imposed in 1379, i. 223
Pollard, Speaker, and Queen Mary, i. 323
Poor Law Act of 1834, ii. 461
Poor relief under Elizabeth, i. 354
Popish plot, the, i. 539
Porteous riots, the, ii. 256
Portland Ministry, the, ii. 354
Poynings' law, ii. 382
Præmunire, first statute of, i. 211
— the great statute of 1393, i. 234
Pragmatic Sanction, the, ii. 265
Presbyterianism in Scotland triumphant, ii. 139
Presbyterians and Independents, struggle between the, i. 425
Press, liberty of the, first restrained, i. 326
— infringed, ii. 224.
— its freedom secured, ii. 305
Pretender proclaimed, the, ii. 85
— is attainted, ii. 88
— formally abjured, ii. 88
— his designs in 1708, ii. 212
Pride's Purge, i. 430
Prime Ministers, List of the, ii. 568
Prince Consort's annuity, the, ii. 468
Prince of Orange, invitation to the, ii. 14
Prince of Orange, his declaration, ii. 15
— lands at Torbay, ii. 15
— is offered the Government, ii. 18 (*see also* William III.)
Principal Acts, Ordinances, etc., since the Conquest, ii. 572
Print Works Act, ii. 481
Prison horrors in England, ii. 251
Privilege of parliament, the first case of, i. 169
Privy Council, the, ii. 587
Procedure, early parliamentary, i. 292
Property Qualification Act passed, ii. 219
— abolished, ii. 219
Prosecutions for treason (1793-4), ii. 338
Protestant Dissenting Ministers Bill, ii. 366
Protestant securities and the succession in 1677, i. 536
Provisors, first statute of (1351), i. 211
— statute of 1390, i. 233
Prynne, cruel treatment of, i. 395
— is excluded from the House, i. 431
Public Libraries Act, ii. 485
Public prosecutor, the, ii. 536
Public schools and universities, ii. 491
Public Worship Regulation Act, ii. 533
Pulteney speaks against Harley's ministry, ii. 223
— secretary-at-war, ii. 228
— his action against Walpole, ii. 266
— created Earl of Bath, ii. 268
Puritans persecuted in 1583-93, i. 348
Pym, John, i. 381
— on the attainder of Charles I., ii. 401
— his attempted seizure, ii. 408
— his death, i. 420

Quadruple Alliance, the, ii. 235
Quakers, the, Relief Act (1721), ii. 242
Queen, the title of, i. 324
Queen's Colleges, the, ii. 504
Queensberry Plot, the, ii. 171

Rageman, Statute of, i. 145
Railway Act of 1844, ii. 483
Raleigh, Sir Walter, surrenders his monopolies, i. 353
— acquires estates in Ireland, ii. 386
— his execution, i. 371
Ramillies, victory of, ii. 209
Rates, Book of, i. 367
Rebecca Riots in Wales, ii. 526
Rebellion of 1798, Irish, ii. 416
Reformation completed by Elizabeth, i. 354
— established in Scotland, ii. 120
— in Ireland, ii. 383

Reformation Parliament of Henry VIII., i. 310.
— its results, i. 312
Regency Act of 1765, ii. 292
— 1789, ii. 332
— 1811, ii. 357
— of William IV., ii. 455
— of 1837 and 1840, ii. 468
Remonstrance, the Grand, i. 406
Restoration policy, the, i. 502
Revolt in London (1196), i. 85
Revolution of 1688, the, ii. 15
— its causes, ii. 16
— its completion, ii. 29
— and justification, ii. 94
Reynolds, Archbishop, i. 193
Richard I. secures the succession, i. 81
— his ministers, i. 82
— his death, i. 88
Richard II., accession of, i. 221
— his first parliament, i. 221
— grants a charter, i. 226
— his struggle with parliament, i. 228
— resists reforms, i. 231
— assumes the government, i. 233
— his arbitrary conduct, i. 235
— effects of his policy, i. 237
— resigns the crown, i. 238
— his deposition, i. 239
— causes of his downfall, i. 240
— his death, i. 247
Richard III. assumes the crown, i. 285
— his only parliament, i. 286
— his title, i. 287
— tunnage and poundage granted him for life, i. 287
— abolishes benevolences, i. 287
— his death, i. 288
"Right Boys," the, ii. 415
Rights, the Declaration of, ii. 25
— Bill of, ii. 27
Riot Act in 1715, ii. 230
Riots, statute against, i. 256
Roches, Peter des, i. 115
— his dismissal, i. 116
Rockingham's Ministry, Lord, ii. 293
— a second time premier, ii. 321
Roger of Salisbury, justiciar, i. 59
Rolls of Parliament begun in 1278, i. 145
Romilly, Sir Samuel, and the Criminal Acts, ii. 367
Root and Branch Bill, i. 405
Royal aid refused in 1198, i. 86
Royal Commission on Education, ii. 489
Royalist conspiracy in 1659, i. 485
Rossa, O'Donovan, ii. 511
Russell, Lord John, enters parliament, ii. 439
Russell, Lord John, his bill to repeal the Test Acts, ii. 439
— his reform proposals, ii. 440
— introduces the Reform Bill, ii. 450
— introduces the third Reform Bill, ii. 452
— home secretary, ii. 460
— manifesto on the Corn Laws, ii. 473
— resigns during the Crimean War, ii. 520
— introduces the Ecclesiastical Titles Act, ii. 527
— introduces Reform Bill of 1860, ii. 543
Russell, Lord Orford, impeachment of, ii. 81
Russell, Lord Wm., execution of, i. 558
Rye House Plot, the, i. 558
Ryswick, Treaty of, ii. 63

Sacheverell, impeachment of, ii. 214
— his trial and sentence, ii. 215
St. Albans, important assembly at, i. 91
Saladin tithe, the, i. 78
Salisbury, Lord, foreign secretary, ii. 522
— and the Berlin Congress, ii. 523
Salisbury, parliament at, i. 157
Sandon, Lord, vice-president of the Council, ii. 492
Sandwich, Lord, and John Wilkes, ii. 288
Savage, Speaker, and Henry IV., i. 248
Savile, Sir George, introduces the Nullum Tempus Act, ii. 296
— his speech in the Wilkes case, ii. 301
— his Roman Catholic Relief Bill, ii. 315
Savings Banks, ii. 485
Saxon Councils, i. 6
Schism Act introduced, ii. 225
— repealed, ii. 235
Scotch Church, patronage in the, ii. 525, 532
Scotch Patronage Act, the, ii. 163
Scotland, education in, ii. 493
Scotland, parliament of, its origin, ii. 97
— the Scottish estates, ii. 98
— National Councils, ii. 99
— growing influence of the burghs, ii. 100
— composition of the councils, ii. 101
— use of the word parliament, ii. 102
— the crown and the people, ii. 103
— burgh courts, ii. 104
— bold legislation, ii. 107
— settlement of the succession in 1371, ii. 109
— reforms in 1398, ii. 110
— origin of the Statute Law, ii. 111

Scotland, curious legislation, ii. 112
— the estates and the crown, ii. 114
— Education Act (1496), ii. 116
— ecclesiastical laws, ii. 116
— reforms in 1524, ii. 117
— the estates and Queen Mary, ii. 119
— the Reformation established, ii. 120
— interesting scene, ii. 121
— Elizabeth's marriage pressed, ii. 122
— procedure of the estates, ii. 124
— personal privileges, ii. 126
— abuses of the King's prerogative, ii. 127
— early laws affecting the subject, ii. 128
— parliament of 1567, ii. 130
— parliament of 1572, ii. 134
— parliament of Stirling, ii. 135
— league with England, ii. 137
— changes in the representation of, ii. 138
— Presbyterian triumph, ii. 139
— and reaction, ii. 140
— parliament of 1617, ii. 142
— the Five Articles of Perth, ii. 143
— policy of Charles I., ii. 144
— the Lords of the Articles, ii. 144
— Charles's obnoxious legislation, ii.145
— proceedings in 1639, ii. 146
— the estates reconstituted, ii. 147
— they defy the crown, ii. 148
— adopt the Covenant, ii. 149
— surrender Charles, ii. 151
— important legislation, ii. 151
— Cromwell and the representation, ii. 151
— the forms of parliament, ii. 152
— sweeping acts in 1661, ii. 154
— Act of Conformity, ii. 155
— oppressive religious statutes, ii. 155
— James II. deposed, ii. 157
— the crown offered to William III., ii. 159
— Presbyterianism re-established, ii. 162
— the Patronage Act, ii. 163
— the King and the Church, ii. 165
— opposition to England, ii. 166
— meeting of the Union Parliament, ii. 167
— Queen Anne favours toleration, ii. 168
— the Act of Security, ii. 170
— debates on the succession, ii. 170
— the Union project in the English parliament, ii. 172
— first steps towards Union, ii. 174
— commissioners appointed, ii. 175
— the Articles of Union, ii. 177
Scotland, debates in the Scottish estates, ii. 179
— Treaty of Union carried, ii. 182
Scottish clergy in parliament, the, ii. 152
Scottish Covenant, renewal of the, ii. 146
— publicly burned in London, ii. 154
Scottish law of treason, ii. 191
Scottish Privy Council abolished, ii. 191
Scottish throne, succession to the, i. 151
Scutage, the great (1159), i. 70
Secondary Education, ii. 490
Sedition, proclamation against, ii. 337
Seditious Meetings Bill, ii. 341
— practices, severe measures against, ii. 360
Selden, John, i. 388
— his imprisonment, i. 392
Self-denying Ordinance, the, i. 422
— second Ordinance, i. 422
Septennial Act passed, the, ii. 231
— its effects, ii. 232
— discussed, the, ii. 538
Septs in Ireland, ii. 373
Serfdom in Scotland, ii. 128
Settlement of the Scottish Crown, ii. 109
Seven Bishops, trial of the, ii. 13
Seven Years' War, the, ii. 279
Seville, Treaty of, ii. 248
Seymour, Edward, a Tory reformer, ii. 5, 8
Shaftesbury, Earl of, speech on Dr. Shirley's case, i. 533
— author of the *Characteristics*, ii. 57
Shane O'Neil, ii. 385
Shelburne, Lord, prime minister, ii. 322
Sheridan, R. B., in the Coalition Ministry, ii. 323
— his "Begum" speech, ii. 328
— on the liberty of the Press, ii. 342
Sheriff, the, his office and functions, i. 173
Ship-money exacted, i. 393
— resisted by Hampden, i. 393
— declared illegal, i. 400
Shipping legislation, ii. 534
Shire Moot, the, i. 8
Shirley, Dr., and Sir John Fagg, i. 531
Shirley, Sir Thomas, his case of privilege, i. 362
Shop Hours Regulation Act, ii. 485
Shrewsbury, Parliament of, i. 236
— Earl of, becomes Lord Treasurer, ii. 226
Sidmouth, Viscount, joins Pitt, ii. 350
— home secretary, ii. 358
— his severe measures, ii. 360
— the "Sidmouth Circular," ii. 361
— the "Six" Acts, ii. 363
Sidney, Algernon, execution of, i. 558

Sigebert deposed, i. 16
"Single Speech" Hamilton, ii. 278
"Six" Acts, the, ii. 363
Slave Trade, the, ii. 332
Slavery in the British Islands, ii. 344
Smalley's case of privilege, i. 315
Society for Constitutional Information, ii. 336
Solemn League and Covenant, the, i. 419
Solicitors, bill against, in 1601, i. 352
Somers, Lord, his early career, ii. 21
— takes the Great Seal, ii. 45
— address against, ii. 71
— resigns the Seal, ii. 74
— his impeachment, ii. 80
— and acquittal, ii. 84
Sophia, Princess, and the succession, ii. 75
South African Confederation, ii. 478
South Sea Scheme, ii. 219
— its collapse, ii. 237
Southampton Plot, the, i. 260
Sovereign, the, ii. 587
Spain, convention with, ii. 260
Spanish Armada, the, i. 346
Speaker, indignities to the, i. 404
Speakers of the House of Commons, List of, ii. 566
Spenser, Edmund, acquires estates in Ireland, ii. 386
Spies and informers, ii. 425
Spiritual estate, the, i. 170
Stafford, trial of Lord, i. 552
Stair, Lord, tragic death of, ii. 182
Stamp Act passed, ii. 291
— repealed, ii. 292
Stamp Duty, the first, ii. 224
Stanhope, General, secretary of state, ii. 227
— first lord of the treasury, ii. 234
— secretary of state, ii. 234
— his death, ii. 239
Stanley (afterwards Lord Derby), chief secretary for Ireland, ii. 449
— his Irish policy, ii. 456
Staples, statute of the, i. 212
Star Chamber under Henry VII., i. 303
— under Charles I., i. 394
— abolished, i. 400
Statute Law originates, i. 140
Statutes, reforming the, i. 253
— the, ii. 600
Steele, Sir Richard, expelled from parliament, ii. 224
— on the Septennial Act, ii. 232
Stephen's accession, i. 61
— his misgovernment, i. 61
Stirling, parliament at, ii. 135
Stockdale, prosecution of, ii. 330
— *v.* Hansard, ii. 525
Storie, Dr. John, imprisoned, i. 319
Storm in England, great, ii. 203
Strafford, Lord (*see* Wentworth)
Stratford, Archbishop, Edward III.'s great chancellor, i. 202
— quarrels with the King, i. 203
— his constitutional stand, i. 204
Stuart plottings against William III., ii. 77
Stuarts, the last of the, ii. 272
Stubbs on the Witenagemot, i. 11
Suez Canal, the, ii. 499
Suffolk, impeachment of the Earl of, in 1386, i. 230
Suffolk, minister of Henry VI., his impeachment in 1450, i. 270
Sumptuary Law, curious, i. 284
Sunderland, Earl of, his fall, ii. 64
— originator of the Cabinet, ii. 93
— secretary of state, ii. 209
— dismissed from office, ii. 216
— first lord of the treasury, ii. 234
— his resignation, ii. 238
— his death, ii. 239
Sutton, Sir Robert, expelled from Parliament, ii. 250

Taxation, earliest examples of, i. 14
— under the Normans, i. 106
— claimed by parliament, i. 162
Ten Hours Act, the, ii. 481
Territorial Waters Act, ii. 536
Test Act, the, i. 523
Test and Corporation Acts, repeal of the, ii. 439
Thirty-nine Articles imposed, the, i. 336
Thistlewood tried for treason, ii. 361
Thorpe, the Speaker, arrested (1453), i. 274
Throne vacant, the, i. 143
Tithe Commutation Act, ii. 465
Tithes, origin of, i. 17
Toleration Act passed, ii. 93
Tostig's quarrel with Harold, i. 30
Town politics in the thirteenth century, i. 108
Townshend, secretary of state, ii. 227
— his resignation, ii. 234
— Charles, chancellor of the exchequer, ii. 294
— taxes American imports, ii. 295
— his death, ii. 296
Townships and moots, i. 7
Trade, Board of, established, ii. 55
Trades Unions, ii. 485
Training Institutions, ii. 488

Traitorous Correspondence Act, ii. 338
Treason Felony Act, ii. 505
Treason, the law of, ii. 56
Treasonable Practices Act, ii. 340
Treasons, Statute of (1352), i. 211
— Edward III.'s statute restored and extended under Henry VIII., i. 314
Trevor, Speaker, and the Tory party, ii. 36
Trial by jury, its full rights conceded, i. 560
Triennial Act of 1641, i. 400
— its repeal, i. 506
Triennial Bill, the, ii. 44
— is refused the royal assent, ii. 45
— finally passes, ii. 49
Triple Alliance, the, i. 518
— formed (1717), ii. 234
Tunnage and poundage under Charles I., i. 386
Tyler's insurrection, i. 225
Tyrconnel Deputy in Ireland, ii. 396

Undertakers, the, i. 370
Uniformity, Act of, i. 507
— its effects, i. 509
Union with Ireland (1800), ii. 345
Union with Scotland, proposed treaty of, ii. 174
— joint commissioners appointed, ii. 175
— questions for settlement, ii. 176
— Articles of Union, ii. 177
— agitation against the treaty, ii. 178
— great debate in the Scottish estates, ii. 179
— proposed parliament in Edinburgh, ii. 181
— the treaty carried, ii. 182
— charges of bribery, ii. 182
— Scotch representation under, ii. 183
— the treaty in the English parliament, ii. 184
— important debates on, ii. 184
— the Articles carried in the Lords, ii. 186
— protests against, ii. 187
— the act carried in the Commons, ii. 188
— it passes the Lords, ii. 189
— receives the royal assent, ii. 189
— supplementary legislation, ii. 190
— last debate on the Union, ii. 192
— motion for dissolving it, ii. 193
— effects of the Act of Union, ii. 194
Unitarian relief measures, ii. 366
United Irishmen, Society of, ii. 415
University tests, Scotland, ii. 164
Unlearned Parliament the, i. 252
Utrecht, the Peace of ii. 225

Vane, Sir Henry, execution of, i. 504
Versailles, Treaty of, ii. 323
Vicar at the Bar, a, i. 377
Vice-presidency of the Council, ii. 489
Victoria, Queen, and her accession, ii. 467
— her Civil List, ii. 467
— marries Prince Albert, ii. 468
— the precedency question, ii. 469
— the "Bedchamber" Plot, ii. 477
— reproves Lord Palmerston, ii. 519
Vienna, second Treaty of, ii. 249
Village Council, the, i. 6
Villiers, Mr., and the poor laws, ii. 529
Volunteer movement, the, ii. 527

Wager of battle, its origin and abolition, i. 52
Walcheren Expedition, the, ii. 355
Wales, Prince of (son of George III.), his debts, ii. 330
— his marriage, ii. 343
— assumes the government, ii. 357
— suddenly dissolves parliament, ii. 367
Wales, Statute of, i. 149
Wallingford, Treaty of, i. 62
Walpole, Robert, enters parliament, ii. 212
— becomes war secretary, ii. 212
— proceedings against, ii. 222
— paymaster of the forces, ii. 228
— his financial policy and the South Sea Bubble, ii. 239
— becomes prime minister and chancellor of the exchequer, ii. 240
— his fiscal legislation, ii. 243
— overthrows Townshend, ii. 250
— his sinking fund proposal, ii. 251
— excise scheme, ii. 252
— his relations with the Dissenters, ii. 255
— declares war with Spain, ii. 263
— his declining popularity, ii. 263
— motion to dismiss him, ii. 263
— his effective oratory ii. 267
— his fall, ii. 267
— created Earl of Orford, ii. 267
— prosecution of, ii. 268
— his death, ii. 269
Walter's visitation, Hubert, i. 85
War and Colonial Departments, ii. 348
Ward, Mr., his motion on the Irish Church, ii. 457
Warrants, general, condemned, ii. 290
— declared illegal, ii. 293

Wellington, Duke of, prime minister, ii. 434
— supports the Catholic claims, ii. 435
— speech on emancipation, ii. 437
— strange declaration on reform, ii. 448
— defeat of his government, ii. 449
Welsh judicature, the, ii. 446
Wensleydale, case of Lord, i. 292
Wentworth, Earl of Strafford, i. 384
— his policy in Ireland, i. 395, ii. 389
— his impeachment, i. 401
— and execution, i. 402
Wentworth, Peter, bold speech of, i. 347
Westbury, Lord, ii. 530
Westminster, Council of (1138), i. 63
— Parliament of (1244), i. 121
— Provisions of, i. 128
— first Statute of, i. 144
— second Statute of, i. 149
— third Statute of, i. 151
— fourth Statute of, i. 189
Westminster Election, the (1784), ii. 327
Whigs and Tories, origin of, i. 549
— and the Revolution, ii. 32
— great financial struggle between, ii. 59
Whig leaders impeached (1701), ii. 80
Whigs cease to attend parliament, ii. 313, 342
White Bands, Parliament of, i. 190
"White Boy" Acts, the, ii. 405
Wilberforce and the slave trade, ii. 332, 350
Wilkes, John, enters the House of Commons, ii. 288
— his arrest, ii. 288
— expelled from the House, ii. 289
— returned for Middlesex, ii. 298
— his struggle with the House, ii. 299
— expulsion and re-election, ii. 300
— his final triumph, ii. 303
— his defence of parliamentary reporting, ii. 303
— motion on reform, ii. 313
William and Mary declared joint sovereigns, ii. 26
— settlement of the crown on, ii. 28
— their first ministry, ii. 29
— coronation, ii. 30
William the Conqueror, King of England, i. 38
— continues English customs, i. 39
— discourages feudalism, i. 40
— his system of land tenure, i. 40
— acts of his councils, i. 45
— his government, i. 48
— his income, i. 51
— his ordinances, i. 52
— ecclesiastical policy, i. 52
William the Conqueror separates the legal from the ecclesiastical jurisdiction, i. 53
— character of his rule, i. 53
William Rufus, i. 54
— constitutional import of his reign, i. 55
— his councils, i. 56
William III., his early difficulties, ii. 31
— ministerial dissensions, ii. 32
— the King's revenue, ii. 33
— he dissolves the Convention Parliament, ii. 34
— subdues Ireland, ii. 34
— his second parliament, ii. 36
— the revenue settled, ii. 37
— his act of grace, ii. 38
— war taxation, ii. 39
— vetoes a bill, ii. 41
— laments the loss of his wife, ii. 50
— calls a new parliament (1695), ii. 52
— his policy checked by parliament ii. 54
— critical condition of affairs, ii. 58
— financial measures, ii. 62
— opens his fourth parliament, ii. 68
— his disposition of the Irish estates, ii. 71
— popular feeling for him, ii. 82
— opens his last parliament, ii. 86
— his memorable speech, ii. 86
— is supported by the Houses, ii. 87
— political parties under, ii. 90
— his death, ii. 91
— character, ii. 92
— constitutional importance of his reign, ii. 92
William IV., his accession, ii. 448
— opens parliament in 1830, ii. 448
— his distrust of reform, ii. 449
— dissolves parliament, ii. 450
— accepts the Reform Bill, ii. 454
— his death, ii. 466
William of Malmesbury on the Witenagemot, i. 13
— on Saxon Councils, i. 36
Wilmington's Ministry, Lord, ii. 267
Winchelsey, Archbishop, i. 154
— summons a convocation, i. 161
— proceedings against him, i. 165
Winchester, Statute of, i. 150
Witan, the, as a court of justice, i. 29
Witchcraft, acts against, ii. 129, 256
Witenagemot, i. 9
— its constitution, i. 11
— its powers, i. 12, 33
— no popular representation in, i. 36
Wogan, Sir John, calls the first Irish parliament, ii. 377

Wolsey, Cardinal, and the Commons, i. 307
Women and children in mines, ii. 480
Wood's halfpence, ii. 402
Working class legislation, ii. 480
Workshops Regulation Act, ii. 482
Wrecking, laws against, ii. 274
Writs of summons, i. 105
Wycliffe, attempt to prosecute, i. 219
Wykeham, William of, i. 219
Wyndham, Sir William, introduces the Schism Act, ii. 226
— on parliamentary reporting, ii. 247
— on Walpole's excise scheme, ii. 253
Wyndham, Sir William, secedes from the House, ii. 262

Yelverton, Mr. Serjeant, a diffident speaker, i. 351
York, Duke of, his proposed exclusion, i. 551
— charges against (1809), ii. 355
— and the Catholics, ii. 432
York, House of, estates of the realm under the, i. 290
"Young England" party, ii. 503
"Young Ireland" party, ii. 503

THE END.